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Appendix to the Journal of the Assembly

LEGISLATURE OF THE STATE OF CALIFORNIA
1957 REGULAR SESSION

REPORTS

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ASSEMBLY INTERIM COMMITTEE REPORTS

1955-1957

VOLUME 1 NUMBER 2

REPORT OF THE

ASSEMBLY INTERIM COMMITTEE ON CIVIL SERVICE AND STATE PERSONNEL

House Resolution No. 214, 1955

MEMBERS OF THE COMMITTEE

SAMUEL R. GEDDES, *Chairman*

VINCENT THOMAS, *Vice Chairman*

HAROLD K. LEVERING
CHARLES W. MEYERS
THOMAS J. MacBRIDE
ROY J. NIELSEN
WILLIAM BYRON RUMFORD
CHARLES H. WILSON

February, 1957

Published by the

ASSEMBLY
OF THE STATE OF CALIFORNIA

HON. L. H. LINCOLN
Speaker

HON. CHARLES J. CONRAD
Speaker pro Tempore

HON. RICHARD H. McCOLLISTER
Majority Floor Leader

HON. WILLIAM H. MUNNELL
Minority Floor Leader

ARTHUR A. OHNIMUS
Chief Clerk of the Assembly

LETTER OF TRANSMITTAL

February 20, 1957

HONORABLE L. H. LINCOLN
Speaker of the Assembly
State Capitol, Sacramento, California

MR. SPEAKER AND MEMBERS OF THE ASSEMBLY: Pursuant to House Resolution No. 214 of the 1955 General Session, directing the Assembly Interim Committee on Civil Service and State Personnel to ascertain, study and analyze facts relating to the State Civil Service System and state personnel, your committee transmits herewith the final report of its findings, conclusions and recommendations

Legislation recommended by the committee is set forth in the report. Legislative action has not been recommended for many of the subjects studied either because legislative action has not been deemed appropriate or further research and study appears necessary.

Transcripts of the hearings and exhibits offered at the hearings are available for information in the offices of the Chairman of the Committee, Samuel R. Geddes, Room 4115, State Capitol, Sacramento, California.

Respectfully submitted,

SAMUEL R. GEDDES, Chairman
VINCENT THOMAS, Vice Chairman
HAROLD K. LEVERING
CHARLES W MEYERS
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INTRODUCTION

California's State Government is big and complex. California's rapidly growing population has exceeded 13 million and has brought problems of unprecedented magnitude in its wake. It has resources and industries encompassed within its 156,803 square miles that cover as wide a range as any comparable area on the earth's surface. It requires a large and effectively organized work force to govern and provide the necessary governmental services in a state such as California. It has an annual operating budget of approximately 2 billion dollars and over 77,000 employees. Over $384,000,000 was expended in salaries and wages for California state employees during the fiscal year 1955-1956.

The work and services of government must be performed primarily through people. For this reason, a soundly conceived personnel management program is of primary importance. No duty or responsibility of management is of greater single importance than the management of its personnel and none should receive greater attention.

The Assembly, in recognition of the magnitude and importance of the State's personnel management program, constituted the Assembly Interim Committee on Civil Service and State Personnel, through House Resolution No. 214, 1955 Regular Session. This committee was authorized to ascertain, study and analyze "all facts relating to the State Civil Service System and state personnel, including the rights and duties of and benefits for such personnel, and any matter bearing thereon, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all causes in any way bearing upon or relating to the subject to this resolution, and report thereon to the Assembly, including in its report its recommendations for appropriate legislation."

COMMITTEE WORK PLAN

The committee realized at the outset that a complete and thorough inquiry, study and analysis of the whole Civil Service System and Personnel Management Program of California State Government was obviously impossible with the limited staff, time and resources available to the committee. It was convinced, however, that a limited inquiry into the quality and effectiveness of the Personnel Management Program was both desirable and necessary. It was believed that such an inquiry would reveal the weak points in the Personnel Management Program and would lay a foundation for constructive assistance and legislation where such assistance and legislation were deemed necessary.

Accordingly, the committee's work program was designed to gain expressions and suggestions from department directors, personnel officers, supervisors in the several departments, representatives of the State Personnel Board and of the State Employees' Association. In addition, assistance and guidance were obtained from representatives of private enterprise.

The planning of the inquiry by the committee was designed to be flexible enough to permit the making of inquiries into new and related problems as they came to the attention of the committee.

Regarding the broader phases of the committee's inquiry, Chairman Geddes made this statement for the record:

> "As I see it, the committee wants to find out how civil service is working in California. My plan is to call before the committee the various personnel heads of the several state departments, in the hearings to be held in Sacramento, San Francisco, and Los Angeles, in order to find out from them suggested areas where improvements can be effected. We shall see whether the State Personnel Board is functioning as they think it should, what the experience has been in securing new employees in certain classifications, and if they have difficulty, why; what other problems they face in personnel management and their suggestions for corrective action including legislation. In other words, we will make a general inquiry into the Personnel Board methods and operations among the people who deal with it constantly and are on the front lines of Civil Service in the State.
>
> "Obviously, it is not possible with such limited time and so little money, to make anything like a complete and thorough inquiry into state civil service. It would take a Hoover Commission to do a job like that. It should be possible, however, for this committee to turn in a creditable, useful piece of work of taking a general look at civil service, spotting out weak points, and making suggestions for corrective measures, including legislation.
>
> "It is our idea that the committee should eschew the usual type of report which has been loaded down by verbatim testimony, statistical tables, and other complex material, which few read and even fewer take the trouble to analyze, and endeavor instead, to present a clean-cut narrative report easily read and understood, based on its own findings and its own ideas of what the Legislature should do to remedy that which has been found wrong. Such a report would be specific as to matters needing correction but general and straight away in its treatment of these matters."

COMMITTEE HEARINGS

The full committee held hearings in Sacramento on October 10 and 11, 1955; in Los Angeles on November 9 and 10, 1955; in San Francisco on February 1 and 2, 1956; in Los Angeles on February 6 and 7, 1956; and in Sacramento on June 28 and 29, 1956. Representatives of the State Personnel Board and the California State Employees' Association were present at each of these hearings.

A subcommittee under the chairmanship of Assemblyman Charles H. Wilson met in Los Angeles on December 6 and 7, 1956

The committee desired to get as much information relating to this problem as practicable. Accordingly, directors of all state agencies were invited to suggest areas where improvements could be effected. Representatives of the State Personnel Board, the California State Employees' Association, and the State Department of Finance testified.

During one series of hearings held in Los Angeles, San Francisco and Sacramento, testimony was heard from 78 supervisors representing nearly all state agencies. Personnel officers, training officers and other ranking executives in State Government also testified.

In addition, Mr. Paul Bell, Director of Personnel, Times-Mirror Company, Los Angeles; Mr. Robert P. Armstrong, Personnel Manager, Helm Bakery, Los Angeles, and President of the Personnel and Industrial Relations Association of Los Angeles; and Mr. Harold V. Harris, Assistant Vice President, Pacific Telephone and Telegraph Company, Los Angeles, gave the committee the benefit of their thinking and experience in private enterprise.

COMMITTEE RESEARCH

Members of the committee have consulted a number of departmental directors, deputy directors, and personnel and training officers, members of the staff of the Legislative Auditor, and other ranking executive personnel and members of the State Personnel Board staff.

The work of the committee has been presented before meetings of the Deputy Directors Conference, the Personnel Officers Council, the Accounting Officers Conference, and the Western Section of the Civil Service Assembly of the United States and Canada. In addition, personnel management problems have been discussed with other interested groups and organizations.

Recent books and literature in the field of personnel management were reviewed to bring to light the best of modern practices.

In addition, supervisors invited to appear before the committee were asked to complete a questionnaire. Many helpful suggestions were received from this source.

Testimony of witnesses during the hearings before the committee, in many instances, developed areas which required further study and inquiry. Without suggestion or coercion from the committee, the State Personnel Board made a concerted effort to correct some of these situations pointed out to the committee through administrative action. The report of the State Personnel Board to the committee relating to administrative actions taken is available for inspection in the offices of the chairman of this committee.

The committee takes this opportunity to thank all of the persons who have given so generously of their time to help make the study of the committee constructive and worthwhile.

SUMMARY OF RECOMMENDATIONS

CENTRAL PERSONNEL AGENCY

(1) A clear declaration of policy should be promulgated by the Legislature that the State Personnel Board shall be responsible for providing the leadership in the development of positive and comprehensive programs of personnel management in the operating agencies.

(2) The Personnel Board should be directed by law to audit and inspect periodically the personnel management practices of state agencies.

(3) The Personnel Board should be provided with the necessary funds to expand its research function.

(4) The Personal Board should be directed by an appropriate resolution of the Assembly to analyze, compare and re-evaluate the Civil Service Act in the light of the best modern personnel management practices.

(5) Qualification appraisal boards should be charged with the responsibility for certifying that each candidate selected is qualified to perform the duties of the class in question.

(6) Sections 18531 and 19120 of the Government Code should be amended to simplify procedures for making appointments for employment of less than 30 working days.

(7) Sections 19055 and 19058 of the Government Code should be amended to provide for the making of temporary appointments of use of related employment lists whenever there are less than three names available on any employment lists.

(8) Section 19500 of the Government Code should be amended to clarify present law relating to separation from state service.

PERSONNEL MANAGEMENT IN THE AGENCIES

(1) The position of personnel officer as presently constituted should be re-evaluated.

(2) Every supervisory position in all agencies should be identified and inventoried.

(3) Class specifications for supervisory positions should bear an appropriate supervisory title.

(4) Each supervisory class should be re-evaluated to determine whether appropriate emphasis has been placed on management and supervisory functions.

(5) Methods for the selection of supervisors should be improved.

(6) Training programs for supervisors should be extended and strengthened.

(7) An appropriate Assembly interim committee should be authorized to make a detailed and thorough inquiry into the personnel management program as conducted in the agencies.

TRAINING

(1) Training programs should be extended and strengthened in the operating agencies.

MEDICAL

(1) Section 222.5 of the Labor Code should be amended to provide that all employers, including the State, pay the fee required for preemployment medical examinations.

(2) Section 18931 of the Government Code should be amended to provide that the State shall pay the fee for any medical examination demanded by the appointing power.

(3) The sum of $12,000 should be appropriated from the General Fund to pay for the costs for such medical examinations.

(4) The Personnel Board should be authorized to restore the name of an eligible to an employment list following rejection during a probationary period when the medical condition causing the rejection has been corrected.

(5) Section 18102 of the Government Code should be amended to allow employees to use accumulated overtime as well as sick leave and vacation credits to supplement disability payments.

(6) Section 19334 of the Government Code should be amended to permit agencies to grant leaves of absences for pregnancy for a period not to exceed one year.

CONDITIONS OF EMPLOYMENT

(1) The Legislature should establish by law the policy that prevailing practice in large private enterprise provide the basis for establishing standards for conditions of employment for state employees.

(2) The State should establish biweekly pay periods for all state employees.

(3) The Personnel Board should provide leadership in suggesting appropriate standards for physical working conditions.

(4) The State should pay premium rates of pay for overtime.

MANAGEMENT IMPROVEMENT PROGRAM

(1) The Personnel Board and the Department of Finance should jointly be charged with the responsibility for the development of a Management Improvement Program for State Government.

COMMITTEE OBSERVATIONS

On the basis of the investigations, research, and oral evidence presented at the hearings by representatives of private enterprise and state agencies, the committee makes these observations:

(1) That large and progressive private enterprises place greater emphasis on the management of their personnel than does State Government.

(2) That personnel management programs in private enterprise have proven their economic value through direct and indirect savings in costs in addition to the general improvement of the welfare and well-being of employees.

(3) That the *objective* of personnel management in private enterprises is directed toward the improvement of services and productivity at reduced costs. There is no such clearly defined objective in State Government.

(4) That private enterprises having more than one division, department, or plant, establish a clear and definitive policy as to the functions to be performed by headquartered industrial relations departments and as to the functions to be performed by personnel directors in each subsidiary organization. No comparable situation is present in State Government.

(5) That the personnel director in private enterprise is generally accorded greater recognition in the functions that he performs than his counterpart in State Government.

(6) That there is a critical need at this time for a new philosophy relating to personnel management placing the responsibility for leadership, policy and program development and research on the State Personnel Board. There should be a clear declaration of policy that the primary roll of the Personnel Board should be in a *staff* capacity to assist departmental administrators in fulfilling their responsibilities. There should also be a declaration of policy that the departments are to be held fully responsible for the day-to-day administration of the personnel management program within each state department. That the direct responsibility for the full utilization of employee abilities, for maintaining a high morale, for giving worthy motivation, and providing opportunity for individual development rests squarely with departmental management and not with the central personnel agency. The departments should be held responsible for the administration of policy standards, principles and programs developed by the State Personnel Board.

(7) That there is a critical need for a clear and definitive policy as to the functions that should be performed by the State Personnel Board and the functions in the personnel management program that should be performed by operating agencies.

(8) That wherever the State Personnel Board has been charged with specific duties and responsibilities by law, there has developed a uniformly high standard of performance and a desirable and uniform application of policies and procedures.

(9) That conversely, where there has been no delegation of duty or authority to the State Personnel Board or the operating agencies, little has been done in program development and few agencies have put forth concerted efforts in those areas.

(10) That there is in State Government a strong employees' organization, the California State Employees' Association. Representing a large majority of the state employees, it has developed a powerful voice in legislative councils. In each legislative session, the association sponsors many legislative proposals and in this regard, its record of achievement is high. While no one doubts who speaks for the employees, there is widespread doubt as to who speaks for management.

(11) That there appears to be a lack of or no clearly outlined program of personnel management in the operating agencies except for the compliance with civil service law, rules and regulations.

(12) That the quality and effectiveness of personnel management in the operating agencies is dependent upon the value placed on such programs by top management and upon the capacity, imagination and aggressiveness of the personnel officers.

(13) That too many chief executives of agencies have taken little or no initiative in the improvement of the personnel management program and have too often accepted established practices as something more or less inevitable. There has been too much talk on why this or that cannot be done because of the "Civil Service System" and precious little action taken to correct deficiencies or the development of positive programs.

(14) That there is a growing awareness on the part of a few top executives of the deficiencies of traditional civil service concepts and of the urgent need for the formulation of a personnel management program in the operating agencies above and beyond the present Civil Service System.

(15) That personnel officers in many agencies have so organized their particular sections as to be a mere extension to the agency of functions performed by and through the State Personnel Board. The work of the personnel officers in many agencies is largely the supervision and administration of functions performed by accounting officers in the days prior to the establishment of the position of personnel officer. Such matters as time keeping, payroll administration, personel transactions, maintenance of roster and files, and a variety of other clerical and paper work functions usurp a major portion of the time that should more properly be devoted to profitable functions of a sound personnel management program.

(16) That supervisors in State Government should be trained and selected to be *supervisors.*

(17) That supervisors in private enterprise are given authority and responsibility for the fulfillment of basic management functions. They do not carry a work load of "doing" and "inspection" tasks in addition to their supervisorial and management functions as do their counterparts in State Government.

(18) That the payoff level of personnel management programs generally occurs at the first level of supervision.

(19) That staff development and training programs should be given high priority to develop critically needed qualified supervisorial personnel.

(20) That recognition for improved employee communication programs is urgent. Such programs in private enterprise are considered of prime importance.

(21) That health and welfare programs are generally sponsored by private enterprise for their employees. These programs are generally more attractive than the fringe benefits enjoyed by state employees.

(22) That the State must offer comparable benefit programs for its employees if the State intends to be able to compete in the recruitment and retention of the quality of men and women needed to assure economical and efficient government.

(23) That the State must develop better methods for the development of worthy motivation and incentives for its employees to improve services and productivity.

(24) That there has been an abuse of the "coffee hour" by some state employees, and that the lack of proper control of rest period privileges is another symptom of weak personnel management practices particularly at the supervisory level.

(25) That many complaints have been voiced that the Department of Finance, through its fiscal and budget policies has unduly frustrated constructive developments in the personnel management program. A study of the fiscal policies and administrative rulings of the Department of Finance relating to personnel management by an appropriate legislative interim committee would appear to be highly desirable.

THE CENTRAL PERSONNEL AGENCY

POLICY DECLARATION

Recommendation No. 1. The committee recommends that a clear declaration of policy be promulgated by the Legislature for providing the leadership in the development of positive and comprehensive programs of personnel management in the operating agencies of State Government.

There is a need in State Government for the central personnel agency to fulfill a management responsibility comparable to that of an industrial relations director found in large and progressive private enterprise. The responsibility and authority for leadership, program and policy development of comprehensive personnel management programs should be centralized under the direction of a single agency.

Although the State Personnel Board has attempted to influence improved management practices throughout State Government through the functions under its jurisdiction and through the media of its annual and biannual reports to the Governor and the Legislature, there is a significant lack of authority and responsibility for providing the needed leadership in the development of positive personnel management programs throughout State Government

The place of the State Personnel Board under current organization is that of a typical independent civil service commission that is in some respects a part of the administrative machinery and in others is not a part of that same administrative machinery. The gap between the State Personnel Board as a service agency and the operating departments has been somewhat bridged by the appointment of personnel officers and training officers within some of the larger state departments. The gap has also been bridged by the activities of quasi-official groups and organizations within State Government. These groups are the Deputy Directors Conference, the Personnel Officers Council and the newly formed Training Officers Association.

The activities of the State Training Division within the State Personnel Board has had a major impact on the development of improved personnel management practices within the several state agencies. The work of this division operating in a staff capacity is illustrative of what can be done by a small staff of competent individuals dedicated to the accomplishment of an objective. Section 18700 of the Government Code provides that the board shall devise plans for and cooperate with appointing powers and other supervising officials in the conduct of employee training programs so that the quality of service rendered by persons in the state civil service may be continually improved.

Where the State Personnel Board has been charged with specific duties and responsibilities and has been delegated the appropriate authority by law, the committee is of the opinion that there has been developed a uniformly high standard of performance and a desirable

and uniform application of policies and procedures in all of the state agencies.

The committee believes, however, that the lack of a definitive responsibility for guidance of the State Personnel Board, spelled out in the law, for the providing of an over-all leadership in the development of comprehensive and positive personnel management programs within the agencies has resulted in spotty and nonuniform personnel practices in state agencies In some agencies, reasonably good progress has been made while in others enormous areas for improvement remain.

Moreover, the lack of definite responsibilities in the central personnel agency for providing over-all leadership has greatly retarded the growth and development of positive personnel management programs that are commonly found in large and progressive private industries. As a result, the State is not in a competitive position in the recruitment of the kind and caliber of personnel necessary to assure economical and efficient State Government For the same reasons the State loses many competent persons to private enterprise that might not have been lost if better personnel management programs had been employed. The committee firmly believes that the character, integrity and competence with which State Government serves the citizens of California is dependent upon the quality of state employees recruited and retained.

The role of the State Personnel Board should be clearly defined as a *staff* capacity to assist departmental administrators in fulfilling their responsibilities. This *staff* function is to be clearly differentiated from the primary responsibility of *line* or *operating* officials in personnel administration The State Personnel Board should have the duty and responsibility for the development of standards, principles, policy and regulations to guide the operating departments. To carry out the day-to-day responsibilities in the personnel management program, the operating departments should in turn be delegated by the State Personnel Board the necessary authority subject to the withdrawal of this authority for cause.

AUDIT AND INSPECTION

Recommendation No. 2. The committee recommends that the State Personnel Board be directed by law to audit and to inspect periodically the personnel management practices of the state agencies.

To assure that sound personnel management practices are employed within the several state agencies, the State Personnel Board should be authorized to audit and to inspect personnel management practices employed in the several state agencies Under current practices, the classification programs of each state agency is audited once in a five-year interval. The classification audit concept should be enlarged to include other general management personnel practices which the board might deem desirable to be audited.

The concept of an audit is recommended not only because of the information and evidence available as to the compliance of agency operations with the standards as developed by the State Personnel Board, but also because of the value that would result from the constructive and informative reports published following each of such

audits. No agency would desire to be found deficient in the operation of its personnel management program.

An experimental personnel management audit is now being conducted in the State Department of Corrections. The results of this audit should be carefully watched, analyzed and evaluated.

RESEARCH AND EVALUATION

Recommendation No. 3. The committee recommends that the State Personnel Board be provided with the necessary funds to expand its research function.

The last decade has been a period of building and expansion of the physical facilities of State Government. New highways, new buildings to house State Government, new hospitals for the mentally ill, new prisons and many other structures have been built. Thousands of new employees have been hired. The development of these physical facilities has received a great deal of time, money and attention. During this same period, however, far too little time, money and attention have been devoted to basic research in the field of personnel There is a need to examine and re-examine what it being done to find better ways of selecting top management personnel and supervisors at all levels, to make comparisons with what is being done and what has been done in private enterprise and to find ways and means to improve morale, incentives for production, improvement in services and the will to work. In short, there is a need to emphasize the necessity to find methods of raising the entire level of the state career service.

The research that has been conducted by the State Personnel Board has paid big dividends. There is in the State Personnel Board one position assigned primarily to research projects. Many improvements and refinements in the personnel management program as reflected in practices of the State Personnel Board itself and in activities of the several departments is traceable to persons who have occupied the single position of Principal Personnel Management Analyst on the State Personnel Board staff.

There is need for the enlargement of this staff so that the State Personnel Board and departmental directors may be kept abreast of modern personnel practices and their application to the ever-changing requirements of State Government.

CIVIL SERVICE LAW

Recommendation No. 4. The committee recommends that the Personnel Board be directed by an appropriate resolution of the Assembly to analyze, compare and re-evaluate the Civil Service Act in the light of the best modern personnel management practices.

The committee observes that there are over 300 separate and distinct sections of the law regulating the administration of the civil service system. Many of the laws were enacted prior to the development of the commonly accepted practices of modern personnel management. Most of the laws pertain to civil service concepts and are devoid of personnel management concepts. Most of the laws are centered about the central

personnel agency omitting reference to the responsibilities of the operating departments.

The question now presents itself whether the entire civil service act should not be analyzed, re-evaluated, and compared with the best of modern practices and redrafted placing appropriate authority and responsibilities for the personnel management program with the State Personnel Board and with the operating agencies.

Following a careful consideration of this entire problem, the committee is of the opinion that there is a critical need for such a review of all of the legislation relating to civil service. The committee is of the further opinion that any review of current law should be directed toward the enactment of laws reflecting basic policy and standards for guidance of the State Personnel Board. The board, through its rule making power, should provide the rules, regulations and standards to guide the operating departments in the fulfillment of their responsibilities in the personnel management program.

Specifically, the committee recommends that the State Personnel Board, as the central personnel agency for State Government, be directed by resolution of the Assembly to study and analyze all civil service legislation in the light of modern personnel management practices and to report its findings and recommendations to an appropriate committee of the Assembly during the interim 1957-59, but not later than September 1, 1958. It is hoped that this study will result in the enactment of legislation which will effect constructive improvements in the State's personnel management program.

QUALIFICATION APPRAISAL BOARDS

Recommendation No. 5. The committee recommends that the qualification appraisal boards be charged with the responsibility for certifying that each candidate selected by that board is qualified to perform the duties and carry the responsibilities of the class in question.

In the California State Civil Service System, an oral interview is used as a part of the examining program for most of the positions except for clerical positions. The oral interview panel is designated as a qualification appraisal board. This board is usually comprised of three persons, one representing the department, one representing the State Personnel Board and one representing the public at large. The outside representative is usually a specialist in the particular field in which the candidate is attempting to qualify. For example, on interview boards selecting architects, the outside representative will usually be an architect. The scores given by these boards to each candidate are weighted into the over-all score for the examination.

Candidates receiving less than the passing score of 70 percent by the oral interview board are disqualified in the examination and are entitled to appeal to the State Personnel Board.

The committee observes that there has been a tendency by many of these oral interview boards to give borderline candidates a minimum score of 70 percent rather than to fail the candidate and risk an appeal to the State Personnel Board.

Candidates of questionable ability remain on eligible lists and under the "rule of three," the agencies are forced to consider them or leave the position unfilled.

To correct this situation, the committee recommends that the qualification appraisal boards be charged with the responsibility for certifying that each candidate selected by the board is, in the judgment of the board, fully qualified to fulfill the duties and carry the responsibilities of the class in question with the normal amount of training and orientation generally anticipated in the employment of any new person.

EMERGENCY APPOINTMENTS

Recommendation No. 6. The committee recommends that Sections 18531 and 19120 of the Government Code be amended to simplify the procedure for making appointments for employments of less than 30 working days.

Emergency appointments were initially designed to cover situations where unforeseen conditions involving the loss of life or damage to person or property make it imperative that persons be employed immediately to handle the adverse state of affairs. Normal appointment procedures in such emergencies are obviously impracticable due to the time factor. In practice, many abuses may be traceable to the improper use of so-called "emergency" appointments.

There is a need for authorization to operating agencies to employ people for work that is to last for 30 working days or less, which would also cover emergency conditions. Here again, normal time consuming, costly, and serve no useful purpose.

The committee recommends that Sections 18531 and 19120 of the Government Code be amended to simplify present procedures in the making of short-term employments, and that the Personnel Board establish rules and regulations to assure that such short-term employments be limited to conditions where normal appointment procedures are impracticable.

EMPLOYMENT LISTS

Recommendation No. 7. The committee recommends that Sections 19055 and 19058 of the Government Code be amended to permit the making of temporary appointments or use of related employment lists wherever there are less than three names available on any civil service employment list.

Employment lists in state civil service under present law must remain in existence for a period of at least one year and must be abolished at the end of four years. After an employment list has had considerable use there may remain only one or two names of persons on these lists. In many instances these persons are not suitable for appointment to a specific position. As a result, the agency is either forced to appoint one of the persons or leave the position vacant.

The committee is of the opinion that Sections 19055 and 19058 should be amended to correct a situation that has plagued state administrators since the founding of the civil service system.

Specifically it is recommended that these two sections of the law be amended to permit either: (a) use of temporary appointments until the establishment of a new list; or (b) use of closely related or higher lists in the same series, wherever there are less than three names available on any civil service employment list.

SEPARATIONS

Recommendation No. 8. The committee recommends that Section 19500 of the Government Code be amended to clarify present law relating to separation from state service.

Under present law, leaves of absence *with pay* are granted for only a few purposes, such as for teachers to attend summer study sessions periodically. Although such leaves have not been considered a separation from state service, it appears desirable to clarify this point by a specific provision in the law.

The committee recommends that the law be amended to provide that time spent by a state employee on leave of absence with pay will not constitute a separation from the state service.

PERSONNEL MANAGEMENT IN THE AGENCIES

IMPROVEMENTS NEEDED

The administration of the personnel management function in an organization as large and complex as that of California's government is necessarily divided into two parts:

1. Functions administered or under the direction and control of the central personnel agency; and,

2. Functions administered or under the direction and control of the operating agencies.

Both sets of functions are of equal importance and weaknesses in either account for inferior management of personnel, higher costs, low morale, poor services, and low productivity.

The committee took note of the fact that the State Personnel Board as the central personnel agency for State Government had been the subject of investigation of several legislative committees in comparatively recent years. The committee also noted that little or no attention of these same legislative committees had been directed toward the personnel management functions administered in the operative departments. Accordingly, the committee centered its interest in a general inquiry as to the quality and effectiveness of the personnel management program in the operating agencies.

To guide the committee's deliberations in the evaluation of the personnel management program the committee selected representatives from a cross section of the agencies to participate in a "conference" type hearing. The following items were suggested for discussion:

(1) What should be the nature of the personnel management function within the several agencies of State Government?

(2) What areas of a desirable personnel management program are lacking or deficient in state agencies?

(3) Is the position of personnel officer properly constituted?

(4) What assistance in the conduct of a desirable personnel management program should be given smaller agencies who, because of their size, are not permitted to employ a personnel officer?

The committee was impressed with the areas where improvements could be effected, and that the least that could be accomplished by this committee as presently constituted was to focus attention on the deficiencies in this area of state management through suggested recommendations by this committee.

The committee sets forth below a summarization of the suggestions and ideas given to the committee·

(1) The objective of a personnel management program should be to improve service and productivity at reduced costs.

The following broad areas of personnel management should be typical for all operating agencies:

(1) Written objectives and policy statements available to all employees.
(2) Planning and programming for recruiting and personnel needs.
(3) Orientation programs for induction of new employees.
(4) Written training policies and broad training programs for executive and staff development.
(5) Written performance standards.
(6) Incentive and work motivation programs.
(7) Grievance procedures.
(8) Exit interviews.
(9) Safety committees; instruction, and education in safety.
(10) Communication programs
(11) Personnel research; opinion and attitude surveys, turnover, sick leave, absentism, morale, productivity.
(12) Technical personnel functions, classification, wages, and salary, transactions, examining, personnel records and reports.
(13) Public relations.
(14) Employee relations, evaluation, counseling, and recreation
(15) Working conditions, physical conditions, food, facilities, transportation, parking, benefits.

Testimony revealed that portions of the suggested program were in operation in some agencies but that no single agency had installed all of the items in the suggested program.

COMPARISON WITH PRIVATE ENTERPRISES

The committee desired to compare personnel practices in state agencies with those of large and progressive private enterprise. At the Los Angeles hearing, on February 6 and 7, 1956, Mr Paul Bell, director of personnel, Times-Mirror Company, Los Angeles; Mr. Robert P. Armstrong, personnel manager, Helm Bakery, Los Angeles, and president of the Personnel and Industrial Relations Association of Los Angeles; and Harold V. Harris, assistant vice president, Pacific Telephone and Telegraph Company, Los Angeles, gave the committee the benefit of their thinking and experience in private enterprise on the following points· The organizational structure of the personnel function, recruiting, selection and placements, working conditions, benefit programs, salaries, evaluation of performance, training, turnover, discipline and communications.

The over-all impressions left with the committee following these two sets of hearings were: (1) that California's personnel management program is primarily one of civil service in the negative sense where the emphasis is placed on examinations, classification, pay, restriction and control by the central personnel agency; (2) that around this hard core of civil service have been developed the additional staff services of recruitment, training, a safety coordinator and a medical officer; and (3) that personnel management programs as examined in most

state agencies were below acceptable standards in comparison with large and progressive private enterprise.

A CURRENT OBSERVATION

The critical need for better personnel management in the agencies was forcefully brought to the attention of the committee by complaints of the architectural draftsmen employed within the State Division of Architecture. The complaints, related to low salaries and inequalities of working conditions as compared with other employees within the division.

A hearing was held on June 28, 1956, in Sacramento. Representatives of the Personnel Board, the Department of Public Works, the Division of Architecture, Committee of Architectural Draftsmen, and the American Institute of Architects testified.

Subsequent to the committee hearings, the staff of the Personnel Board made a comprehensive study of the problem. On December 19, 1956, a hearing was held before the State Personnel Board and an equitable settlement of the dispute resulted.

This is cited as an example where improved personnel management practices as recommended by this committee would be beneficial.

PERSONNEL OFFICERS

Recommendation No. 1. The committee recommends that the position of personnel officer as presently constituted in state agencies be re-evaluated.

Concurrent with the rapid growth in State Government there has been established the position of personnel officer in many of the operating agencies. In 1940 there was only one such position. Today 13 of the larger agencies have such positions. Most of the smaller agencies do not have personnel officers. The committee has been informed that additional personnel officer positions have been authorized and are now in the process of being filled

With the growing and highly desirable emphasis that is being placed on the training function, there has been a trend to establish training officer positions in some of the larger agencies There appears to be no uniformity in the location of these positions in the management hierarchy

The establishment of personnel officers and training officers is semi-independent positions within an agency may present major problems in the future. What is needed is a qualified executive as near to the top as possible who will be charged with seeing that all personnel policies are put into practice throughout the entire agency. This would parallel the desirable practice followed in many large private enterprises of affording the personnel director the rank of a vice president.

It may be observed that the value that an agency places on its personnel management program appears to be in direct relation to the level that the executive charged with that responsibility occupies on the organizational chart.

The committee suggests that the executive charged with the personnel management program within each agency be delegated the authority and the responsibility to carry out the following functions: (1) to

provide the leadership in the stimulation of interest in sound personnel management throughout the agency and at all levels of supervision; (2) to assist, consult and advise the director on agency organizational problems; (3) to develop policies and standards in personnel management for the director's approval; (4) to promulgate policies and standards through written policy manuals, advices and directives; (5) to recommend areas where management improvement is needed; (6) to maintain liaison with the State Personnel Board; (7) to represent the agency in all matters before the Personnel Board; (8) to program and plan the staffing need for recruitment purposes; (9) to conduct personnel research within the agency; (10) to stimulate interest in employee suggestion programs; (11) to stimulate the interests of various methods and techniques to afford employee recognition; (12) to establish, maintain and supervise machinery for the adjustment of grievances; (13) to advise supervisors on disciplinary problems; (14) to meet with and to maintain good relations with all employee groups and organizations; (15) to assist supervisors in the development of facts relating to new or changed positions; (17) to conduct attitude and opinion surveys throughout the department; (18) to analyze and evaluate the results of opinion surveys and to take the necessary corrective measures indicated through such surveys; (19) to assist in the providing of appropriate recreational and related services; (20) to stimulate and assist in the evaluation and establishment of performance standards; (21) to evaluate the examining and selection program through follow-up activity; (22) to direct and assist in the development of improved techniques for the recruitment of qualified personnel; (23) to maintain records and files relating to personnel matters; (24) to supervise all personnel transactions within his agency; (25) to provide the mechanics for the conducting of exit interviews; (26) to check on the adequacy of physical working conditions and taking the necessary steps to correct working conditions found below acceptable standards; (27) to direct the over-all staff training and development program; and (28) to direct a safety training and educational program.

The above list is not intended to be all inclusive. It is intended, rather, to reflect the committee's judgment on what the functions of the personnel director's position should encompass.

SUPERVISION

Recommendation No. 2. The committee recommends:

A. That every supervisory position in each and every agency be identified and inventoried; and

B. That the class specification for every supervisory class should bear an appropriate supervisory title; and

C. That each supervisory class be re-evaluated to determine whether appropriate emphasis has been placed on the supervisory and management functions that should be performed in those positions; and

D. That there be a concentration of research in an effort to improve methods for the selection of supervisory personnel; and

E. That the program for training of supervisors be extended and strengthened.

One of the weakest segments of California's personnel management program as conducted in the agencies is the lack of emphasis afforded to supervisory positions. Unlike the supervisors in large and progressive private enterprise, supervisors in state service particularly at the first level give very little time and attention to proper supervisory functions. Most of their time is devoted to the "doing" and "inspection" phases of their specific subject matter fields rather than to appropriate functions that should be performed by a supervisor.

It is almost universally recognized by experts in personnel management that the *first significant level of supervision* is the pay-off level for the entire personnel management program. These supervisors nearest the nonsupervisory work force (the location where the greater part of the work of the agency is performed) can make or break the whole personnel management program as it pertains to that single section over which the supervisor has charge.

State supervisors appear to have more of the characteristics of "leadmen" than that of supervisors. In many cases, they are high class journeymen who do much the same things as the people whom they are supposed to supervise except that they are required to do more of it and perhaps required to do it better.

In the opinion of the committee, this lack of an appreciation for the importance of the work to be performed by a first level supervisor is symptomatic of the weakness of the personnel management program as conducted by the several agencies.

The committee observed that there seems to be an almost universal lack of training for supervisors particularly as it relates to the management function of supervision. The training which these people have received, if any, has either been through courses that they have taken on their own time or through other sources that may be available to them.

The fact that so little emphasis is given to the importance of the positions occupied by first level supervisors is clearly reflected in the class specifications established for these positions. The emphasis appears to be directed toward the subject matter field and only incidentally toward the management function that these people should be more appropriately performing.

It is important that immediate attention be given to the improvement of the techniques of selection of capable supervisors who will be hired to spend a major part of their time on supervisory duties. Recognition must be given to the fact that in principle the supervisor or section manager must have the job to plan, to control, to coordinate, to staff, to direct and to train persons whom they supervise.

Specifically the committee recommends that the first level supervisor be selected for, trained for and delegated the authority and responsibility for carrying out the following functions.

(1) *To participate in the selection and hiring of new personnel.* In those positions that are terminal in character and are not normally positions where persons may be expected to promote to higher echelons within the agency, supervisors should be permitted to select those individuals whom he or she may supervise. In those instances where the position to be filled is normally

considered to be a part of the career service within the agency, the supervisor should be accorded the dignity of participating in the selection of the person whom he or she may supervise. The psychology of placing this responsibility on the first level supervisor has a far different impact on his attitude toward the people for whom he has supervisory responsibility than where he is merely assigned so many persons to get the work out

(2) *To have the responsibility for job instruction of each employee.* Many supervisors only get a minimum amount of work done by people whom they supervise because of their failure to give appropriate and proper job instruction to each person whom they supervise. It should be their responsibility to train each person on how the job is to be done, why it must be done in a certain manner and how it should in fact be performed. This function of the first level supervisor for on-the-job instruction is of primary importance as it relates to the quantity of work performed and the quality of services rendered.

(3) *To orient new employees.* It is important that each new employee be thoroughly oriented as to the policies of the agency, the objectives of that agency and the manner in which the work of that agency is performed. It is important that the supervisor create a proper atmosphere and climate for the new man to work within. He should show a sincere interest in the progress of the new employee through explaining the part that the new employee will play in the work of the unit. He should explain to the new employee how he and his work will be judged. He should thoroughly explain matters concerning the personal aspects of the job such as dates on which payments will be received, pay roll deductions, work schedules and related matters. He should introduce the new employee to fellow workers and to acquaint him with his work surroundings.

(4) *To appraise employee development.* This phase of a supervisor's work is important in the promotion of job satisfaction and morale. Each supervisor should, whenever appropriate, appraise an individual's performance and to assist the employee in his personal development within the agency. This "how am I doing" counseling function of a supervisor is of basic importance. This appraisal should not be made merely once a year at the time that that employee's performance must be evaluated on a report of performance form, but rather on a day-to-day basis.

(5) *To counsel.* Supervisors should maintain "an open door" so that employees may feel free to consult with the supervisor on not only problems relating to the job but on personal matters as well. Properly trained supervisors can be of great benefit to the organization in assisting in the solution of personal problems which an individual employee may have.

(6) *To provide leadership within the section.* It is important that supervisors evidence basic qualities of leadership in the guidance and planning of the work of the section.

(7) *To recommend discipline when necessary.* It should be the duty and responsibility of supervisors to recommend and take necessary disciplinary actions when such actions must be taken. Too many supervisors in too many places fail to have "spine enough" to recommend and take appropriate disciplinary actions when such actions appear necessary. There is a tendency for supervisors to try to "get along" with the work force rather than to exercise appropriate qualities of leadership. As a result, many disciplinary minor problems grow into major problems which could have otherwise been corrected at the outset.

(8) *To plan and organize the work of the section.* Supervisors should be delegated the responsibility and authority to plan the work of their section. They should be trained in work simplification concepts, in job analysis and in other techniques directed toward greater utilization of employees and more economical methods of job performance.

(9) *To be responsible for communications in the section.* The first level supervisor is the most important link in the line of communications. These supervisors should be charged with the responsibility of informing the people whom they supervise of the objectives of the department, changes in policies, programs and other information of direct benefit and interest to employees

While the above list is not intended to be exhaustive it is intended to reflect the opinions of the committee on what should be expected of persons charged with supervisor responsibilities particularly at the first level of supervision.

It is also intended to reflect what must be done in the selection of people charged with supervisory responsibilities. Moreover, it is intended to emphasize the necessity for pretraining of supervisors and the critical necessity for improvement of techniques in the examining and selection of supervisors. There appears to be too little emphasis given to supervisory ability in the selection of supervisors. Examinations are primarily devoted to the subject matter field and too little attention is devoted to supervisory matters. The qualification appraisal boards are limited to 15 or 20 minutes in their interview of prospective applicants for supervisory positions. This appears severely inadequate in the selection of persons who should perform a most vital function in the direction of the work of others.

The committee recommends that in the establishment of positions having primary supervisory responsibilities the subject matter field be de-emphasized and appropriate recognition be given the management and supervisory functions to be performed in that position.

The committee further recommends that each class specification for supervisors be appropriately identified as to the level of the supervision to be performed by appropriate titles.

The committee commends the Personnel Board for the beginning research being performed in this general field. Acknowledgement is made in the experimentation with the so-called "promotional potential" as an experimental procedure for the improvement in the selection of supervisors. The committee emphasizes, however, that the urgent need

for strengthening of the personnel management program in this single respect has existed for too long a time.

NEED FOR MAJOR STUDY

Recommendation No. 3. The committee recommends that an appropriate interim committee of the Assembly make a thorough and detailed inquiry into the personnel management program as conducted in the several agencies and that that committee be given sufficient funds to engage an experienced management consultant firm to assure the most productive results.

The committee is impressed with the place that personnel management has in State Government. It is also impressed with the effect that personnel management has on the efficiency and economy of the entire state service.

Based on the hearings, observations and study, the committee has been well aware of the large areas where improvements can be effected to the end of developing a more productive and efficient working force in State Government.

At the outset, the committee realized that its limited time, money and staff precluded making a complete and thorough inquiry into the State's personnel management program.

The committee is of the opinion, however, that its findings point to the need for a detailed investigation and inquiry of the personnel management program by an experienced management consulting firm capable of giving a systematic and expert appraisal of the entire program. In addition such a firm should be able to recommend ways and means to produce the desired results.

With this in mind, the committee specifically recommends that an appropriate interim committee of the Assembly make a thorough and detailed inquiry into the personnel management program as conducted in the several agencies. The committee further recommends that that interim committee be given sufficient funds in which to engage an experienced management consulting firm to assure the most productive results.

TRAINING

Recommendation No. 1. The committee recommends that the training program be extended and strengthened in the operating agencies.

Since the end of World War II, there has been an increasing emphasis on training in state service. This increased training activity may have been due to a number of factors, including: (a) the tight labor market and the resultant shortage of trained personnel; and (b) the increasing size and complexity of state organizations. Although effective training activity continues to increase, it has not occurred all at once but has been a matter of gradual implementation. Considerable stimulus was given to training activities by a study of training in California state service made in 1952.[1] This study recommended appointment by the Governor of a State Advisory Committee on Training and the issuance of a state training policy. The report also recommended a basic training structure that included:

1. Orientation training;
2. Technical job training;
3 Training in relations with the public;
4. Presupervisory training;
5. Supervisory-management training;
6. Methods improvement and work simplification.

Since that time, the State Advisory Committee on Training, appointed by the Governor, has served as an advisory body to state agencies insofar as training is concerned. In 1953, the Governor issued the State In-Service Training Policy. Since that time, the Training Division of the State Personnel Board and a number of state agencies have been active in putting into practice as rapidly as possible the recommendations of the 1952 report.

The Training Division of the State Personnel Board has conducted, with agency cooperation, two major management conferences to assist in improving management in state service. In addition to this, the training division has undertaken a program known as "organization development" which has as its purpose developing agencies in such a manner that planned training becomes a part of the day-to-day management process. The organization development program stresses:

I. Developing a framework for action by:

   A. Assisting in developing a corps of managers skilled in the use of management and training tools.
   B. Creating an organizational climate which permits an agency to objectively look at itself and its operations with a view to self-improvement.

[1] "Report to the California State Senate on In-Service Training in the California State Service," prepared by State Department of Finance and State Personnel Board, March, 1952.

C. Showing management how they may effectively develop in employees a feeling and attitude of responsibility.

II. Developing a communications network:

A. So employees and management can effectively talk together whether in a series of interlocking conferences on a person-to-person basis or through the use of written information.

III. Motivating management to develop employees and management processes so that together they may discover and solve pressing organizational problems by:

A. Using the brain power of all employees to solve such problems as absenteeism, accident and injury, public relations, budgeting, and records management.
B. Increasing the ability to talk about and consider trouble spots within the organization and to do something about these when discovered.
C. Orienting employees.
D. Teaching employees, insofar as is necessary, their jobs.
E. Training supervisors *in name* to become supervisors *in fact.*

IV. Giving management practice in the use of interpersonal management skills, such as:

A. Holding productive staff meetings.
B. Improving and making more effective relationships with employees and other individuals on a person-to-person basis.
C. Permitting the administrator to look objectively at himself in order to find ways and means of improving his own effectiveness.

V. Increasing know-how in:

A. Conducting training programs to improve quality and quantity of employee work on current assignments.
B. Meeting the major management responsibilities in planning, controlling, coordinating, decision-making, etc.
C. Utilizing all employees effectively.

This program was started by the Training Division in 1954 and is carried on in the following organizations:

Agriculture;
Alcoholic Beverage Control;
Beaches and Parks;
Compensation Insurance Fund;
Fish and Game;
Mendocino State Hospital;
Personnel Board;
Youth Authority.

Both the Department of Corrections and the Department of Employment have engaged in rather extensive training programs for a number of years. The Department of Corrections has developed a training program unique in the correctional field and appears to be doing an

excellent job of making training an integral part of the management process.

Agencies are beginning to add training officers to their staffs. Full-time training officers are now employed in the Departments of Corrections, Employment, Fish and Game, Motor Vehicles and Social Welfare, and the Divisions of Forestry and Highways. Other state organizations are contemplating adding training officers in the near future: Board of Equalization, Water Resources, Youth Authority, Natural Resources, and the State Compensation Insurance Fund.

It is apparent that in order to achieve the greatest good from a training program that functions as an integral part of personnel management, such remains to be done. It is also important that training that is currently undertaken be evaluated. The State Training Officers' Association is presently making another study of training in state service which is intended to supplement the 1952 study and to determine progress toward implementing the State Training Policy. This study by the Training Officers' Association will be presented to the Governor's State Advisory Committee on Training in the spring of 1957.

The first personnel management audit in a state agency is now being conducted in the Department of Corrections by the Standards and Surveys staff of the State Personnel Board. This audit has been carried on at the request of the director of the Department of Corrections

If the high type of management needed to carry on the complex activities of present day government is to be achieved, a careful but increasing emphasis must be placed on management and supervisory training.

MANAGEMENT DEVELOPMENT

If the high type of management needed to carry on the complex activities of present-day government is to be achieved, a careful but increasing emphasis must be placed on management and supervisory training. This includes a planned development program to increase proficiency in management skills and to systematically acquire knowledge needed in higher management jobs. A development program involves an inventory of manpower, appraisal of individual managers, a program planned to fill in individual deficiencies, and building a reservoir of competent persons to assume higher management jobs as they occur.

COMMUNICATIONS

As more supervisors and administrators are trained, a demand is built up for a method of communicating new ideas on cost control, work improvement, public relations and other management subjects. State service should be provided with the same information services as those offered to industry through such organizations as the American Management Association. This information would serve to keep interest alive and to stimulate continued improvement. Bulletins, supervisory handbooks, newsletters and manuals should all be a part of the communications program. This type of service might be developed by the Training Division.

EDUCATIONAL LEAVE WITH PAY

To supplement the in-service management development program, there is a need for a system which permits, under careful control, educational leaves with pay. The purpose of such leaves would be to make it possible for:

(1) State administrators to attend advanced management courses, such as those conducted at Stanford and California Institute of Technology.
(2) Managers to attend conference, such as those conducted by the American Management Association.
(3) Advanced training for key technical employees needing know-how in up-to-date technological and professional developments.

ROTATION

Benefit would accrue to state service if top-rated managers could be systematically rotated. This would permit agencies to get an occasional "new look" and should prove valuable both to the manager and the organization.

MEDICAL

MEDICAL EXAMINATIONS

Recommendation No. 1. The committee recommends:

A. That Section 222.5 of the Labor Code be amended to provide that the State as well as private employers pay the fee for pre-employment physical examinations; and

B. That Section 18931 of the Government Code be amended to permit the State to pay for all medical examinations demanded by the appointing power of applicants, eligibles, or employers; and

C. That $12,000 be appropriated from the General Fund to pay the costs of such medical examinations.

The committee has recommended throughout this report that the general policy be adopted that conditions of employment for state employees parallel those for employees of private enterprise. The Legislature has provided by law in Section 222 5 of the Labor Code that fees required for pre-employment medical examinations for new employees in private enterprises be paid for by the employer. For this reason the committee believes that this same standard be applied to all state employees.

New employees hired by the Veterans Home, at institutions of the Department of Corrections, and at institutions of the Youth Authority are examined by the medical staff at these institutions. To be consistent throughout state service, *all* employees including clerical workers should be given the same consideration.

Medical officers in state service are of the opinion that where a selected panel of physicians are used and where the fee is paid by the employer, the medical examination has greater validity. This follows from the basic idea that the party requiring the examination and paying for that examination can demand that standards be maintained.

Under present practice new employees can go to any physician of their own choosing. There is some question whether the life-long family physician would be as objective as a specific doctor from a panel of physicians selected by the State.

PROBATIONARY EMPLOYEES REJECTED FOR MEDICAL REASONS

Recommendation No. 2. The committee recommends that the State Personnel Board be authorized to restore the name of an eligible to an employment list following rejection during a probationary period when the medical condition causing the rejection has been corrected.

Cases have been reported where an employee has been rejected during his probationary period on the grounds of an uncorrected physical condition such as a hernia. Under current law, his name may

not be restored to an eligible list unless he files a formal appeal within 10 days after being rejected from his position.

In order that this situation may be corrected the committee is of the opinion that it would be desirable to grant the board authority to restore the name of the eligible to the employment lists when the medical condition causing the rejection has been corrected.

DISABILITY INDEMNITY

Recommendation No. 3. The committee recommends that Section 18102 of the Government Code be amended to allow state employees to use accumulated overtime as well as sick leave and vacation credit to supplement disability payments.

Under present provisions of the law in a prolonged disability case the employee may lose his overtime accumulation because he may not be allowed to use it to supplement his disability payments. The reasons why he may lose his overtime accumulations stems from the provision of law outlawing overtime accumulations accrued twelve pay periods following the pay period during which the overtime was worked. Present law permits the disabled employee to draw on vacation and sick leave credit. The recommended amended section of the code would permit the disabled employee to also use his overtime credit to supplement disability payments.

PREGNANCY LEAVE

Recommendation No. 4. The committee recommends that Section 19334 of the Government Code be amended to permit agencies to grant leaves of absence for pregnancy for a period not to exceed one year.

Under present law an agency may grant a leave of absence of six months to an employee who becomes pregnant. Cases have been reported where more than six months is desirable in the interest of the State and the employee. The committee is of the opinion that one year in such instances is not an excessive period of time and recommends therefore that the law be amended accordingly.

CONDITIONS OF EMPLOYMENT

DECLARATION OF POLICY

Recommendation No. 1. The committee recommends that the general policy be established that prevailing practice found in large private enterprises shall provide the basis for establishing the standards for conditions of employment for state employees.

Surveys made by private enterprise reveal that a large proportion of all employees place suitable working conditions above salary and security. Private enterprise has generally placed major emphasis on this phase of their personnel management programs As a consequence, the State finds itself in less and less favorable circumstances in its recruitment efforts.

The term "*conditions of employment*" is deemed to include, but not limited to the following: Hours, leave, holidays, training, privileges, health and welfare benefits, and physical conditions.

The basis for this recommendation stems from the realization that the State must offer comparable conditions of employment as found in large private enterprise if it is to be able to compete in the recruitment and the retention of the kind of men and women needed to assure economical and efficient government.

Over a period of years, much emphasis has been placed on the payment of comparable salaries particularly to positions below the top executive levels. This general policy has done much to improve the personnel management program of the State. Attention should now be directed to those areas of the personnel management program where the State has failed to provide competitive "conditions of employment."

BI-WEEKLY PAY PERIODS

Recommendation No. 2. The committee recommends that the State establish biweekly pay periods for all state employees.

Section 204 of the Labor Code provides that all wages earned by any person in any employment are due and payable twice during each calendar month.

This section of the law is not applicable to state employees.

Testimony given before the committee revealed that payment on a monthly basis is a deterrent to the recruitment of persons in the lower salary brackets. Most people become accustomed to receiving their pay on a biweekly basis. The law requires private employers to pay their employees on this basis. If the State through its law-making power has deemed it desirable in the interest of the general welfare of employees of private enterprises to require that they be paid not less than once each two-week period, the same consideration should be extended to its own employees. Why the double standard?

PHYSICAL WORKING CONDITIONS

Recommendation No. 3. The committee recommends that the State Personnel Board should concern itself as the central personnel agency with providing the leadership in suggesting appropriate standards for physical working conditions.

The physical working conditions for many employees has been improved in recent years due to the extensive state building program. Working conditions in some state leased buildings, however, proved on investigation to be below acceptable standards. The committee observed that:

(1) These facilities were poorly heated and poorly ventilated.
(2) The offices were overcrowded.
(3) No provisions were made for rest facilities for women in the women's rest rooms.
(4) Provisions were lacking for space for rest and eating, particularly where men or women brought their lunches.
(5) Maintenance when provided by the State was generally superior to janitorial and maintenance services furnished by the lessor.
(6) Rates per square foot were high for the facilities and services furnished.

The establishment of satisfactory physical working conditions is an important phase of personnel management. Among many progressive private concerns this responsibility for providing the leadership in standards setting is centered in the personnel division.

OVERTIME

Recommendation No. 4. The committee recommends that premium rates of pay for overtime be paid to state employees.

In compliance with the committee's recommended policy that the *prevailing practice* of large private enterprise be the basis for establishing standards for conditions of employment for state employees, the committee is of the opinion that these same standards should be applicable to compensating time off and payment for overtime.

Premium pay for overtime hours could have a major influence on establishing uniform conditions of employment in the several state agencies and checking excessive demands by some agencies for abnormally long hours.

Careful planning and organization of work can materially reduce the amount of overtime, but it cannot be eliminated entirely Careful controls must be established so that overtime can be restricted to occasional instances of a strictly emergency character.

MANAGEMENT IMPROVEMENT PROGRAM

The committee recommends that the Personnel Board and the Department of Finance jointly be charged with the responsibility for the development of a management improvement program for State Government.

The committee takes notice of the fact that California State Government enjoys a unique reputation nationwide as being one of the better governmental jurisdictions in the United States At the same time, the committee observed in comparing the personnel management function with that of private industry that there were major areas in which improvements can be effected to the end of developing a more efficient, economical, and productive work force. The committee desires to point out that in each succeeding budget that there is a demand for more and more money by each and every department in state service and that all of the increases requested are not necessarily related to problems attendant to growth in population and related problems While it is important that the State Government improve and extend needed services to its people, the committee observes that there is no concurrent demand by the administration or by the Legislature for bona fide proof that improved management practices are being employed in the several departments designed to offset increases needed as a result of population growth There is an immediate and urgent need for a "beefed up" program for effecting improved management practices, for stimulating all management and supervisoral employees within State Government to become more conscious and aware of improvements that can be effected to the end of the saving of taxpayers' dollars, and in the improvement of existing services.

To implement and to stimulate the development of such a management improvement program for the state service, the committee has developed a suggested management improvement program as a result of its studies. An outline of the program in its present form, follows:

A MANAGEMENT IMPROVEMENT PROGRAM

Objective: To improve services and productivity at reduced costs through better management.

Basic Management Philosophy

(1) Each director administers a public trust. He is accountable as a trustee to the Governor and to the Legislature. This trust must be administered in accordance with law and established policy.

(2) The director has the responsibility for setting the tone, example, and for establishing the "climate" and integrity which pervade the organization.

(3) Every supervisor or manager is an executive and he shares the director's responsibilities. Each is a trustee for the administration of a portion of the public trust.

(4) Each person who shares the executive responsibility should provide employees with individualized recognition, and opportunity to participate, to make contributions, and share in the satisfaction of the achievements.

(5) Simplicity in work procedures and methods is a keystone of sound management.

Guides to Management Improvement

Since each executive is charged with the responsibilities of a trustee, there is a corresponding responsibility on top management of providing each executive with all practicable management assistance. As a guide in this undertaking, the following management improvement projects should be done:

(1) To develop statements clearly defining objectives for the department and for the division.

(2) To develop clearly defined policies pointed toward realization of objectives.

(3) To review the organizational structure from top to bottom in the light of the basic objectives.

First, the organization should be viewed objectively as to grouping of duties and responsibilities, reporting relationships and spans of supervision Number of levels of authority should be kept at a minimum.

Next, the organization should be reviewed to ascertain whether personal qualifications have been matched with job requirements.

(4) To develop improved management guides for defining duties, responsibilities, authority, and accountability for key positions

An inventory of all management and supervisorial positions should be made.

Authority should be delegated as far down the line as possible.

Duties, responsibilities, and corresponding authority should be specifically defined. Particular emphasis should be directed to the positions of first-line supervisors. To these positions should be delegated appropriate management functions. For example, the right to select or participate in the selection of employees whom they supervise; the duty to recommend disciplinary action when necessary; the duty to train and counsel; the responsibility for joint development of performance standards; and the responsibility for rating performance of employees supervised.

(5) To review methods of operation.

Simplification of methods and procedures should be emphasized. Management devices used in communicating these methods and procedures must be streamlined. In this light, manuals and forms should be reviewed.

The system of communications should be given careful attention.

(6) To develop a well-rounded personnel management program.

The program must provide employees recognition, participation, and motivation.

The execution of a plan to stabilize employment within the department and the recruiting and retention of able young persons at the entry level should have high priority.

Training should be emphasized to insure that each employee knows his job and the performance expected of him.

A long-range program for developing management skills should be initiated.

(7) To develop better budgetary or cost standards correlated with volume and quality of necessary work for each division or function.

(8) To simplify reporting and control procedure to facilitate attainment of performance and cost standards.

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to the

1957 SESSION OF THE LEGISLATURE

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Minority Floor Leader

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LETTER OF TRANSMITTAL

March 8, 1957

MR. SPEAKER and Members of the Assembly. Enclosed is the Committee of Industrial Relations Interim Report.

Respectfully,

WALLACE D. HENDERSON, Chairman

P.S. The report is signed by a majority of members on page 22.

INTRODUCTION

The Assembly Interim Committee on Industrial Relations was authorized by the Assembly, in Assembly Resolution 213, 1955 Session, to inquire specifically into selected phases of Industrial Safety and into such other matters as seemed to the members to merit such inquiry. In its organizational meeting the committee decided to concentrate upon industrial safety and private employment agencies, and to hold a hearing upon AB No. 787 and AB No. 788 which had been assigned to the committee. Subsequently, at the request of the Speaker, the Honorable L. H. Lincoln, the scope of the committee's activities was expanded to include a study of teen-age employment in the State of California. These separate phases of the committee's activity are explained in the following four sections.

SECTION 1

ASSEMBLY BILL No. 787 AND ASSEMBLY BILL No. 788

Assembly Bill No. 787, introduced in the 1955 Regular Session of the California Legislature provided that persons desiring to operate stationary steam boilers involving gauge pressure of more than 75 tons refrigerating capacity or stationary internal combustion engine of more than 150 horsepower must obtain licenses from the State in order to operate such power plants.

The committee held a public hearing on this bill in Sacramento on December 29, 1956.

Assembly Bill No. 788, introduced in the 1955 Regular Session of the California Legislature, provided for the licensing of journeyman plumbers by a State Examining Board of Plumbers, and that such licenses would be necessary for any journeyman plumber in order for him to work as or be employed as a plumber. The committee held a hearing on this bill conjointly with the hearing on Assembly Bill No. 787, in Sacramento in the State Capitol on December 29, 1956.

The witnesses who testified concerning either Assembly Bill No. 787 or Assembly Bill No. 788 or both were:

Name	*Position*
Harold Angier	Manager, California Grape and Tree Fruit League
A. C. Blackman	Chief, Division of Industrial Safety
Vern Cannon	Legislative Advocate, California Teamsters
Richard Cartwright	Representing the California Council of the C. I. O.
H. S. Clough	Representing the California Retailers Association
Henry Ely	Executive Secretary, Refrigeration and Air Conditioning Contractors of California
William Francis	Representing the United Association of Journeymen Plumbers of the United States and Canada
Nial Gardner	Legislative Advocate, California Rental Owners Association
Vincent Gessel	Chief Engineer, Transcontinental Pre Cooling Company, Los Angeles
J. Gould	Official of Legislative Counsel
E. B. Greene	Consulting Engineer
Robert Hanley	Legislative Advocate California Farm Bureau Federation
William Hardick	Representing Refrigerator Fitters Branch of Local 250
Allen Mather	Legislative Advocate, Agricultural Council of California
J. D. Mack	Executive Manager, Associated Plumbing Contractors of California
Dan McDonald	California Pipe Trades Council
Lester O'Meara	Representing the Associated Plumbing Contractors of California
Jack Pandle	President, Delano Growers Cooperative Winery
Ed Park	Chief, Division of Labor Law Enforcement
Hal Reynolds	Legislative Advocate, California State Builders Exchange
Gilford Rowland	Legislative Advocate, Federated Employers of San Francisco
B. L. Temple	Representing California Brewers
Ronald Thunen	Director, Research Department, Division of Drivers' Licenses
Ray W. Tucker	Representing Operating Engineers of Southern California, Local 501
Dan Turrentine	Wine Institute

The consensus of the committee members was that the revised safety orders promulgated by the Division of Industrial Safety in September, 1955, provided adequate safeguards and that licensing engineers to

operate these types of power plants need not be mandatory at this time. Concerning the licensing of plumbers contemplated in Assembly Bill No. 788 the committee took the point of view that while the proposal has substantial merit, the evidence for it has not yet been accumulated in adequate form to dispel doubts of the efficacy of this particular suggestion. Consequently, this bill did not receive an endorsement from the Committee on Industrial Relations.

SECTION 2

INDUSTRIAL SAFETY

The concern which the Committee on Industrial Relations has exhibited over the accident rates in California was prompted by the ominous change in the accident rate during the calendar year 1955. After a rather gratifying reduction in the rate of disabling accidents during the years 1950, 1951, 1952, 1953, and 1954, this accident rate not only ceased to decline in 1955, but sharply increased. In terms of all industries the disabling injuries per 1,000 workers were 41.8 in 1950; 41.0 in 1951; 38.9 in 1952; 36.3 in 1953; 33.6 in 1954, and rose to 34.8 in 1955. In the comparison of the last two years given this meant that there were 132,534 disabling work injuries in 1954, of which 706 were fatal, and there were 146,092 disabling work injuries in 1955, of which 767 were fatal. The Committee on Industrial Relations was disturbed by this shocking increase in industrial casualties, and decided to make the study of Industrial Safety its primary goal. Accordingly, a subcommittee was set up with Assemblyman Edward M. Gaffney from San Francisco as Chairman. The other members of the subcommittee were Assemblyman James L. Holmes of Santa Barbara; Assemblyman S. C. Masterson from El Cerrito; and Assemblywoman Wanda Sankary from San Diego. In addition, Industrial Relations Committee Chairman Wallace D. Henderson sat with the subcommittee in the majority of its hearings. The Subcommittee on Industrial Safety held hearings in San Diego, Los Angeles, Fresno, San Francisco and Eureka. During these hearings voluminous testimony was adduced from over 100 witnesses in support of greater concern for and specific legislation compelling additional safety practices in order to curtail this toll of human lives and health. The specific suggestions made to the committee are briefly stated in Appendix B.

After studying the testimony, and analyzing the problems the Assembly Committee on Industrial Relations recommends the following:

1. That enough additional money be added to the budget of the Department of Industrial Relations so that at least 20 additional safety engineers may be added to the staff of the Division of Industrial Safety. The arguments of the scores of persons who desire additional safety engineers are summarized in Appendix B. The committee was impressed both by the unanimity of the witnesses and the compelling logic of the evidence that clearly set forth the need for additional safety engineers.

2. That the safety orders issued by the Division of Industrial Safety be distributed free, upon request, to those persons directly affected by their provisions. The numbers of safety orders distributed by the State Printer in 1955 and in the first half of 1956 are shown in Appendix C.

3. That the Division of Industrial Safety expand its program of publishing and distributing literature on accident prevention.

4. That the Division of Industrial Safety establish safety orders for the workers engaged in the transmission and distribution of natural gas.

5. That the next Industrial Relations Interim Committee hold hearings on a bill to license logging contractors. The high rate of accidents in the lumber and wood products industry, 128.1 disabling injuries per 1,000 workers in 1955 as compared with an over-all rate of 34.8 disabling injuries per 1,000 workers, induced the committee to make a special study of the lumber and wood products industry. A detailed analysis of the disabling injuries including accident types and agencies involved is attached as Appendix D. Table 3, Appendix D, shows that the worst accident total is incurred in logging, 2,838 in 1955; and in the sawmills where 3,066 disabling injuries occurred in 1955. The committee examined the logging and sawmill safety orders and found them to be excellent in their coverage. The problem of reducing the accident rate in the sawmills is primarily one of more safety education and more safety engineers. That is one of the reasons for the 20 additional safety engineers recommended by this committee for the Division of Industrial Safety. Additional safety education and more safety engineers are clearly indicated for the loggers as well as for the personnel in sawmills. There is, however, a far greater problem in reaching and explaining safety measures to loggers and logging contractors, particularly those operating on a small scale in relatively inaccessible areas. The committee feels that an improvement can be wrought by requiring logging contractors to obtain a separate license. This licensing process would afford an opportunity to check on the contractor's familiarity with the pertinent safety orders, and, at the same time, provide an easy to keep and accurate record of all those who are engaged in logging. The Committee on Industrial Relations did not have enough money to extend its study of safety to hold the hearings which would be necessary on the proposal to separately license the logging contractors prior to recommending this proposal for legislative action. Thus, it is hoped that in constituting the next Interim Committee on Industrial Relations the Assembly will include funds for the completion of this unfinished task.

The witnesses who testified before this committee at its Los Angeles, Fresno, San Francisco and Eureka hearings were as follows:

LOS ANGELES—APRIL 27, 1956

Name	*Position*
Kenneth Anger	President, Local 216, U. A. W.
Roger N. Atkinson	Special Agent, Industrial Indemnity Company
C. L. Barr	Assistant Superintendent of Field Services, State Compensation Insurance Fund
Nate Di Biasi	International Longshoremen's and Warehousemen's Union
Sidney Felsen	International Association of Machinists, Local 720
H. G. Feraud	Executive Secretary, Southern California Rock Products Association and the Southern California Ready Mixed Concrete Association
Raymond I Gibson	Plumbers and Fitters Local Union 761 A F. of L. and C. I O
Jack Hatton	Chief Safety Engineer. Lockheed Aircraft Corporation
Carl E. Johnson	Assistant Chief, Division of Industrial Safety
Clem Marchand	Executive Board Member. Local 150, Projectionists I A T S. E.
Al Martinez	Business Representative, Laborers Local 300
George McCarthy	Vice President, Southern California District Council of Plasterers and Cement Mixers

Name	*Position*
McKay Mitchell	District Safety Engineer, Division of Industrial Safety
Sidney Moore	Business Representative, Los Angeles City, County and State Employees Union, Local 347
Joe Murdock	A. F. of L. Laborers Local 300
M. J. Naughton	Executive Chairman, California Employers Safety Committee for this year
Joseph R. Roberts	Vice President, Local 100, United Rubber Plastic Workers of America
Jerome Smith	Representing Local 216 of the U. A. W.
Delmar Tucker	President, United Electrical Workers Local 1421

FRESNO—APRIL 30, 1956

W. Allen Baker	Communication Workers of America, A. F. of L. and C. I. O.
Henry Bartell	Rancher, Bakersfield, Kern County
Mrs. Beulah Bratton	King County Safety Council
Austin Bryant	Student, Fresno Junior College
Mark Campbell	Representing the Operating Engineers
J. B. Chandler	Manufacturer, Industrial Safety Devices
Roger Clark	San Joaquin Cotton Oil Company
Mrs. Vivian Crabtree	Fresno County Farm Bureau
Reed Garman	District Engineer, Division of Industrial Safety
Robert E. Hanley	Legislative Advocate, California Farm Bureau Federation
Louis Hall	Engineer, Division of Industrial Safety
Frank Henry	Assistant Chief, Division of Industrial Safety
T E Holman	Safety Engineer, State Compensation Insurance Fund
Dr. Herbert Kallmann	Central California Optometric Society
Matthew Kuhta	Administrator, Fresno County Safety Council
Jack La Bonte	Pacific Gas and Electric Company
Francis Leach	Engineer, Division of Industrial Safety
Henry Moore	Co-Chairman, Agriculture Section, Governor's Safety Conference
Mrs. Dick Peterson	Tulare County Safety Council
Ben Thomas	Supervising Engineer, Industrial Indemnity Company
Harry Weatherholt	Kern County Safety Council

SAN FRANCISCO—MAY 2, 1956

Tony Anselmo	Co-Chairman, California Trades and Services, Governor's Industrial Safety Conference
W. A. Ball	Secretary-Manager, Milk Products Manufacturers' Association
A. C. Blackman	Chief, Division of Industrial Safety
Miss Jean Cohen	Division of Labor Statistics and Research
Dr. Harold Gates	American Society of Safety Engineers
Dr. Chester E. Herrick	San Francisco Medical Society
T. P Hedt	California Processors and Growers
Warren Hyde	Safety Engineer, Pacific Gas and Electric Company
Norval McDonald	Industrial Indemnity Company
Uhl O'Brien	Central California Chapter of the Association of General Contractors
A. Piccin	Waiters and Dairymen's Union Local No. 30
George L. Reily	Director of Research and Education, International Brotherhood of Electrical Workers
Jack W. Soward	San Francisco Chapter of the National Safety Council
Karl Schulse	Standard Oil of California
Tom Souell	Chief Engineer, Industrial Indemnity Insurance Company
John Sketchley	State Compensation Insurance Fund
W. I. Terry, Jr.	Moore Drydock Company, Oakland, California
Paul Yochem	Local 1245 of the International Brotherhood of the Electrical Workers

EUREKA—JUNE 26, 1956

Name	*Position*
James Abbott	Redwood District Council Safety Committee
Leonard Cahill	Redwood District Council Lumber and Sawmill Workers
Miss Jean Cohen	Division of Labor Statistics and Research
Bud Clifton	Business Manager, Plumbers and Fitters Local No. 471
George Faville	President, Redwood District Council Lumber and Sawmill Workers
Ovid Holmes	Lumber Safety Engineer, Division of Industrial Safety
Bill Lee	North Coast Timber Truckers
Sid Mackins	California Lumbermen's Accident Prevention Association
I. McConnell	California Highway Patrol
H E. McGrath	Business Manager, Laborers and Hod Carriers and Tunnelmen
Herbert McMahan	California Lumbermen's Accident Prevention Association
Ray Nelson	Brotherhood of Carpenters
Orman Oak	California Lumbermen's Accident Prevention Association
Ed O'Connor	San Joaquin Safety Council
Joe Roberts	Division of Industrial Safety
Carl Sanderson	Association of Northern California Loggers
George Sherman	Division of Industrial Safety
Ernest Slattery	Business Manager, Laborers Union, Eureka
H. Tornwall	Business Manager, Building Trades Council
A. J. Veglia	Department of Motor Vehicles
L. Wetsel	Oviatt Lumber Company

The committee expresses sincere appreciation to these witnesses for their helpful evidence, their fine presentations of sometimes complex data and obscure legal points, and their enthusiastic cooperation in advancing the progress of this inquiry.

SECTION 3

TEEN-AGE EMPLOYMENT

The Committee on Industrial Relations took cognizance of the increasing concern which many persons are exhibiting as to the adequacy of job opportunities for teen-agers. It is quite obvious that the ability to get and hold a job is one of the things that our society expects from an adult person. Consequently, teen-agers usually consider getting a job as one of the means of establishing proof of social maturity. It is therefore the case that the teen-age job seekers are not solely limited to that very important group of young men and young women from 14 up in age who must hold jobs if the family is to be self sufficient or who are primarily dependent upon their own resources for self support. The committee concluded that it was not necessary to try to categorize our young people in terms of the urgency of their job needs, if indeed that is possible. The committee was very swiftly convinced that there is a real need for additional job opportunities for young people in their teens. Part of the evidence is that in many cities volunteer groups or established organizations such as the Youth Employment Organization in Sacramento, the Youth Employment Service in Fresno, the Woodlawn Y. W. C. A., Los Angeles, the Teamsters Union Hiring Hall, "Jobs for Juniors" in Los Angeles, the Youth Employment Service of the Crenshaw Sertoma Club, Los Angeles, the Avalon Community Center, these and many other such groups furnish gratifying indication that new and broadened efforts are being made to help teen-agers find safe employment, but the huge excess of applicants over placements proves a genuine need for greater job opportunities.

One of the more striking innovations in aiding teen-agers find jobs is that exhibited by the City of Lynwood. Originating as a program of self help by those most directly affected, the teen-agers themselves, the Lynwood Plan has expanded into a solidly based Community Project which has achieved good results. A brief summary of their procedures is given in Appendix E.

The Department of Employment has been active both in cooperating with and in stimulating the organization of volunteer community organizations to help teen-agers find jobs. At the hearing in Los Angeles, September 7, 1956, the Department of Employment furnished a detailed analysis of the young people aged 14 through 18 who sought employment in June, July or August, 1956 in the southern area of the State. During those three months there were 48 identifiable, active youth employment programs in the southern area of the State. Twenty-one thousand seven hundred six teen-agers registered for work; only 9,054 received placement in any kind of a job, from a single lawn mowing or baby sitting call, through activity involving several days on up to those who received employment for the whole summer. The breakdown of these statistics by city is given in Appendix F. These statistics include both the 29 programs operated in local offices of the Department

of Employment in the southern area, and 19 community programs not near Department of Employment local offices.

The Department of Employment does not collect statistics on applicants and placements by age on a state-wide basis. However, the Department of Employment assumes that in the school year 1955-56 about half of those graduating from high school or approximately 50,000 entered the labor market. In addition about 50,000 high school dropouts entered the labor market. The Department of Employment placed 51,616 youths under 21 during the calendar year 1955, and 25,814 during the first six months of 1956. Clearly, Teenagers have an employment problem.

The Committee on Industrial Relations held hearings on Teenage Employment in Sacramento on July 27, 1956, in Fresno on July 30, 1956 and in Los Angeles on September 7, 1956. A brief summary of the suggestions received from the many able witnesses who testified is included in this report as Appendix G.

The committee's recommendations are given below The number in parentheses identifies the suggestion in Appendix G from which the specific proposal is taken.

a. (13) That the State Personnel Board allow the employment of high school students (nongraduates) during the summer in clerical and typing jobs in the state agencies.

b. (14) That the Department of Social Welfare be requested to confer with the agency of the Federal Government which administers the A. N. C. program to determine whether it may be possible to increase the amount of earnings which a minor recipient of such aid may have without thereby making himself ineligible therefor, or reducing the amount of such aid.

c. (16) That joint committees of unions and employers with regional and state-wide coordination be set up to encourage and facilitate the employment of teenagers.

d. (19) That the Department of Industrial Welfare give wider distribution to the pamphlets summarizing the labor laws covering Teenage Youth.

e. (20) That the Division of Labor Law Enforcement put out a simple pamphlet summarizing the labor laws applicable to persons under 18.

f. (21) That a state-wide census of job opportunities for youth and unemployment of youth be taken.

g. (22) That a temporary commission on Youth Guidance bet set up on the Executive Department of the State Government, and effort be made to obtain funds from the Federal Government to cover part of the cost.

h. (24) That the Department of Fish and Game employ young men in their upper teens to work in the summer on the warm water fish access program.

i. (27) That testimony relative to A. B. No. 662 (1955) be referred to the Assembly Committee on Finance and Insurance.

j. (28) That the student-interne program in state agencies be substantially expanded.

k. (32) That the Division of Labor Law Enforcement be authorized to hire more investigators to enforce the labor laws.

l. (33) That a Youth Guidance Commission be established in the Executive Department to assist the Volunteer Community Groups which encourage Youth Employment.

m. (37) Encourage the Department of Employment to extend the type of assistance it now provides in Sacramento to the Y. E. O. organization and in Fresno to the Y. E. S. organization to other communities in the state not now receiving that type of assistance.

n. (38) Instruct the Department of Employment to hire young people as part of the staff to work in the placement of other young people.

The committee feels that much progress has already been made in analyzing and seeking to meet the special problems of young people. Legal responsibility for providing such placement service, is, of course, lodged in the Department of Employment. Under the terms of the California Unemployment Insurance Code, Chapter 9, Section 2054 states:

"The Director shall:

"(A) Establish, maintain and operate adequately staffed public employment offices for men, women and juniors who are legally qualified to engage in gainful occupations and shall maintain a veteran's placement service to be devoted to securing work for veterans, and a farm placement service to promote the placement and clearance of agriculture labor, *and a Youth Placement Department to promote the placement of Youth in suitable fields of employment."*

The Committee on Industrial Relations wishes to thank all those who gave testimony before it as well as the several hundred who expressed their sentiments to the committee members by letter and in personal conversation. Formal hearings were held in Sacramento on July 27, 1956; in Fresno on July 30, 1956 and in Los Angeles on September 7, 1956. The witnesses who testified at these hearings were:

SACRAMENTO—JULY 27, 1956

Name	*Position*
W. S. Andres	Department of Professional Standards
Thomas C. Campbell	Chief, Division of Public Employment Offices and Benefit Payments
Vern Cannon	Legislative Advocate, California Teamsters
Charles V. Dick	Chief, Division of Plant Industry, Department of Agriculture
E. R. Deering	Consultant, Child Welfare and Attendance, Department of Education
Pierce H. Fazel	Chief Analyst, Division of Organization and Cost Control
Charles E. Gibbs	Legislative Advocate, Associated Farmers of California
Jerome Kieffer	President, Youth Employment Organization, Sacramento
Leon Lefson	Employment Consultant, Department of Social Welfare
Kirk MacBride	Legislative Advocate, California State Grange
David O. Nathan	Chairman, Employer, Employee Relations Committee, California Grape and Tree Fruit League
Edward P. Park	Chief, Division of Labor Law Enforcement
Miss Anne Poitras	Congress of Youth Coordinating Councils for Los Angeles
Nathan Sloate	Chief of Social Service, Department of Mental Hygiene
John Swanson	Personnel Officer, Department of Natural Resources
Ray H. Whitaker	Deputy Legislative Counsel

FRESNO—JULY 30, 1956

Name	*Position*
Vern Cannon	Legislative Advocate, California Teamsters
Charles F. Carpenter	Administrative Assistant to Superintendent of Schools, Fresno
Reed K. Clegg	Director, Fresno County Department of Public Welfare
William Ellis	Legislative Advocate, Brotherhood of Locomotive Firemen and Enginemen
Harrison Hall	Teacher, Continuation High School, Fresno
Robert E. Hanley	Legislative Advocate, California Farm Bureau Federation
Cecil C. Hinton	Executive Secretary, B Street Community Center
Willard Marsh	Manager, Fresno Office, Department of Employment
Judge Leonard I. Meyers	Superior Court, Fresno
David Niklaus	President, Fresno High School Student Body
Mrs. Roxanne Oliver	Assistant Chief, Division of Labor Law Enforcement
W. T. O'Rear	Secretary, Fresno Labor Council, Fresno
Robert Petersen	Special Supervisor, Bureau of Agriculture State Department of Education
Bert Schwarz	Personnel Manager, Vendorlator Manufacturing Company, Fresno
A. Lamont Smith	Executive Officer, State Board of Corrections
Mrs. Thelma Deming Smith	Secretary, Youth Employment Service, Fresno
Lloyd B. Stagner	Chief Probation Officer, Fresno County
Jerome Viele	Chairman, Police Commission, Fresno
Ray Vogue	Supervisor, Youth Employment Service, Department of Employment, Fresno
James York	Regional Supervisor, Department of Youth Authority

LOS ANGELES—SEPTEMBER 7, 1956

Miss Helen M. Burkness	Division of Industrial Welfare
C. R. Byrne	California Youth Authority
Vern Cannon	Legislative Advocate, California Teamsters Legislative Council
Miss Harriet Erickson	Los Angeles Bureau of Public Assistance
Mrs. Robert H. Menelaus	Federation of Co-ordinating Councils
Maurice McCaffrey	Chief Counsel, Department of Employment
Louis Pagliassotti	Area Supervisor, Department of Employment
Edward P. Park	Chief, Division of Labor Law Enforcement
Jerry Richardson	Temporary Co-ordinator, Youth Employment Activities, Southern Area, Department of Employment
Harry W. Stewart	Director, Department of Employment
Raymond Tucker	Chairman, Committee on Unemployment and Disability, Los Angeles County Central Council
Ray Vogue	Supervisor, Youth Employment Service, Department of Employment, Fresno

The Committee on Industrial Relations also studied the work permit system by which students subject to compulsory education laws may obtain permits to work both during and after school hours. If the student works during school hours, then he must attend a minimum of four hours a week at a continuation school, unless there are no continuation education classes in his school district.

The numbers and categories of students obtaining work permits during the 1955-1956 academic year were:

Type of permit	*Number in state*
Permit to work during school hours	16,860
a 15-year olds who have completed the equivalent of the seventh grade	1,458
b. 14- and 15-year olds who are graduates of the eighth grade	330
c 16- and 17-year olds	15,072
Total	16,860
Permits to work before or after school hours on school days (applicable only to ages 14 through 17)	45,498
Permits to work during vacation and on days the schools are not in session	184,707
Total	247,065

While there is not a perfect correlation between work permits issued and jobs actually entered upon, it provides a good approximate figure of employment now obtained by our teen-agers under the age of 18. A comparison of the employment of these middle and lower teen-agers during the 1955-56 academic year with the employment in 1954-55 is given in Appendix H.

It is the responsibility of the Division of Labor Law Enforcement to see that the laws on safety, nonhazardous employment and hours of labor are not violated in the employment of these young people. To facilitate the process of enforcement the Committee on Industrial Relations suggests that the Department of Education furnish a copy of each work permit issued, with the street address and name of employer included thereon, to the Division of Labor Enforcement within 10 days of the issuance of such work permit.

The committee concluded its study of teen-age employment by carefully checking the accident and injury rate among those employed. Here as in general in California the number of accidents is increasing. From a total of 1,815 disabling accidents in 1954 to workers under 18, the total rose to 2,179 in 1955. Particularly disturbing is that the sharpest increase occurred in injuries to those under 16 years of age in which case the number increased from 319 in 1954 to 418 in 1955. The data on this, broken down into age groups, and individual years is given in Appendix I. The committee concluded that while increased employment opportunities for our young people is a meritorious concept and that those volunteer groups aiding teen-agers to find jobs deserve commendation; still the protections to young people against injury or exploitations which are found in our present labor laws must not be diminished. It therefore recommends that no change be made in those portions of the labor code which we ordinarily refer to as the Child Labor Laws.

SECTION 4

PRIVATE EMPLOYMENT AGENCIES

A subcommittee of three members was set up to inquire specifically into the status, activities and problems of private employment agencies. Assemblyman Jesse Unruh was appointed chairman of the subcommittee with Assemblymen James L. Holmes and Wallace D. Henderson, members. Hearings were held in San Francisco on December 6, 1956 and in Los Angeles on December 11, 1956.

The following persons testified at the San Francisco Hearing:

Name	*Position*
Mrs Edna C Coffey	Director, California Employment Agencies Association
Claude Fernandez	President, Local 428, Retail Clerks Union, San Jose, A F of L and C I O
Raymond M Gray	Vice President, California Employment Agencies Association and owner, San Jose Placement Agency, San Jose, California
Attorney Leon Gold	Division of Labor Law Enforcement
George C Hansell	Manager, Hansell's Employment Service, San Francisco
Fred N. Hurtzig	National Employment Agency, Sacramento
George Johns	Secretary San Francisco Labor Council
Mrs Maria Magdiel	Chairman, Education Committee of the California Employment Agencies Association, owner, Tip-Top Employment Agency, San Gabriel
Mrs. Leah Newberry	Secretary-Treasurer, Local 29, Office Employees Union, Oakland
Mrs. Roxanne Oliver	Assistant Chief, Division of Labor Law Enforcement
Edward P Park	Chief, Division of Labor Law Enforcement
H. A Prophet	Academy Agency, Los Angeles and Huntington Park
Robert J. Schwarz	President, California Employment Agencies Association; owner, Schwarz Employment Agencies, San Bernardino and Riverside
Mrs. Maxime Taylor	Director, A-1 Nurses Registry, 655 Sutter Street San Francisco and 6087 Sunset Boulevard, Los Angeles
Don Vial	California State Federation of Labor, A F of L-C.I O

Those who testified at the Los Angeles Hearing were:

Name	*Position*
Jacob Albert	Owner, Ames Bureau of Employment
Paul H. Bolton	Member, Board of Directors and Public Relations Counsel for the Association of Home Study Schools, Inc.
Thomas Campbell	Chief, Division of Public Employment Offices and Benefit Payments
Mrs Maria Magdiel	Chairman, Education Committee of the California Employment Agencies Association; owner, Tip-Top Employment Agency, San Gabriel
Attorney Phyllis Ziffren Deutsch	Counselor Association of Home Study Schools
Thomas D Hodge	Staff member, Better Business Bureau, Los Angeles
Glenn W. Honey	Trade Practice Consultant, Better Business Bureau, Los Angeles
Mrs. Roxanne Oliver	Assistant Chief, Division of Labor Law Enforcement
Edward P. Park	Chief, Division of Labor Law Enforcement
Harvey B. Schechter	Director of Civil Rights for the Pacific Southwest Regional Office of the Anti-Defamation League of B'nai B'rith
Robert J. Schwarz	President, California Employment Agencies Association; owner, Schwarz Employment Agencies, San Bernardino and Riverside, California

Name	*Position*
Phil J. Scott	Secretary-Treasurer of Local 222, Retail Clerks International Association, San Diego, California
Mrs. Maxime Taylor	Director, A-1 Nurses Registry, 655 Sutter Street San Francisco and 6087 Sunset Boulevard, Los Angeles
Dudley Wright	Secretary, Union Local 402, Culinary Alliance, San Diego

One of the main goals of the subcommittee was to get thorough and adequate expression from owners or managers of private employment agencies on their reaction to Senate Bill No 1941, 1955 Legislature. While the provisions of this bill are voluminous, the major substantive change proposed would be to repeal the provisions of the Labor Code under which these agencies are licensed and supervised by the Division of Labor Law Enforcement; and bring them under the Business and Professions Code with considerable authority for self regulation

The case for the proposed change was presented by the officers of the California Employment Agencies Association. This association was reorganized in 1955; it is the former Southern California Employment Agencies Association. One hundred forty-seven of the 701 private employment agencies licensed by the Division of Labor Law Enforcement were members of this association at the time of the hearings. While the reasons adduced in favor of the suggested change were many, their essence is that the new arrangement would be accompanied by a rise in public esteem for and confidence in private employment agencies; and that the operators of such agencies might thereby more nearly achieve professional status. Representatives of some private employment agencies voiced opposition to the proposal. One of the most potent arguments was that during the last 43 years the clauses of the Labor Code have been very carefully assembled and that repeal of the provisions relating to private employment agencies is unlikely to represent an improvement. The Chief, Assistant Chief, and all other personnel from the Division of Labor Law Enforcement who testified were unanimously opposed to the major features of Senate Bill No. 1941.

Regulation of private employment agencies is provided in 34 states of the United States Thirty-one of the 34 place the control and supervision in the hands of the Labor Commissioner, the Department of Labor, Industrial Commission or some similar agency. In all of these 31 states the agency administering the portions of the state code applicable to the private employment agencies is an agency for which the California counterpart is found in the Department of Industrial Relations In two additional states, control is exercised by a state superintendent of private employment agencies. In the State of Illinois, effective January 1, 1956, private business schools were placed under the supervision of the State Superintendent of Public Instruction. Eight states provide for regulation by cities and counties. The remaining six states of the Union have no regulatory laws especially drawn for private employment agencies but these are states in which there are very, very few private employment agencies. In no state is there authorization for the private employment agencies to impose their own regulations.

From the investigations it became apparent that there were three areas which merit consideration for possible legislative revision. The first of these is the collecting of fees due, or alleged due, the private employment agencies. The spokesmen for the agencies would like to

change the present requirement that all disputes be submitted to the Labor Commissioner prior to action by the agency to collect the disputed fee. The agencies contend that quite often there is only the matter of collecting a stipulated fee, and that this should not constitute a controversy. However, the Attorney General of California, in formal opinion, declared that all such matters pertaining to collection of fees were controversies, and had to be submitted to the office of the Labor Commissioner. In upholding this opinion the State Supreme Court said concerning nonpayment cases: "The purpose of the administrative proceedings here involved is to save time for the agency, the applicants and the courts by having such controversies determined by a specialist, the Labor Commissioner."

Among other things, this ruling precludes the situation in which an employment agency or individual might bring suit on the grounds that no controversy existed, and then have a dispute arise; in which event the case would be thrown out of court. It leaves, however, the strong presupposition that private employment agencies must check carefully before proceeding on the assumption that a particular relationship is a mere failure to pay when the relationship may evenuate in a controversy adjudicable by the Labor Commissioner. In the calendar year 1955 there were 2,552 cases heard and determined by the Division of Labor Law Enforcement. After hearing the testimony and considering the nature of these disputed cases the Assembly Committee on Industrial Relations emphatically endorses the present arrangement that all controversies must be brought first to the Division of Labor Law Enforcement, and, after action has been taken there, may, of course, be submitted to the courts. The committee would strenuously oppose any attempt to subordinate, subjoin, subvert or transfer this function of the Labor Commissioner.

The second area for potential legislative review is whether new arrangements should be made to provide supervision and regulation of private employment agencies. As explained above, many of the owners now wish to come under the Business and Professional Code, with regulation provided by an independent commission.

The committee feels that the efforts being made to improve standards of conduct among private employment agencies are praiseworthy. The committee also feels that much remains to be done before the private employment agencies approach professional status. One of the criticisms repeatedly voiced attacked the advertising used by some agencies. While such advertising, such as the use of circulars to advertise one or two bona fide jobs, and attract hundreds of applicants, may not be technically inaccurate, it most certainly leaves an erroneous impression in the minds of the average reader.

Another peripheral area which implies that professional status is more illusory than real among the agencies is the rather astonishing change in the numbers and the identities of the private employment agencies. In the Los Angeles area the Pacific Southwest Regional Office of the Anti-Defamation League made a study of 58 private employment agencies in 1948. When these were restudied in 1954 by the same agency, it discovered that 19 of the 58 were no longer doing business. Testimony from some of the owners who have been in business 25 years or more emphasized that questionable ethical practices are

most likely to occur among new enterprises, particularly among those whose survival is doubtful. The Committee on Industrial Relations agreed that these facts, plus the admirable performance by the Division of Labor Law Enforcement in licensing and supervising the agencies, demand that the administrative responsibilities remain right where they are now—in the hands of the Labor Commissioner.

The third area for potential legislative review concerns trade schools, home study schools, management consultant subcontract type firms which are involved in activities which include placement of their students or location of individuals for jobs, or jobs for individuals. One of the problems in the case of the trade school is whether the program of studies and the training provided are such that an enrollee may reasonably hope to qualify for a job at the end of the training period. More bluntly stated, the "school" may be primarily an employment agency advertising in the help wanted columns of the newspapers so that when a hopeful job applicant answers the ad, a salesman gets him to sign an application blank for enrolling in the "school." Testimony was received by the committee indicating that operations such as these have become a real problem. The committee also found that providing a remedy is going to be a complex matter. There is lack of adequate law applicable to these agencies. The committee recommends that study of trade schools and home schools and management consultant type firms be continued by the next interim committee.

In recapitulation of the foregoing, the Committee on Industrial Relations wholeheartedly agrees that it would be unwise to authorize the private employment agencies to do their own policing of the operators. The committee also decided that the licensing and supervising of these agencies ought to remain a function of the Division of Labor Law Enforcement, and that the present clauses of the Labor Code applicable to private employment agencies are adequate without either substantial amendment or refinement of application.

SECTION 5

ACKNOWLEDGMENTS

The Assembly Committee on Industrial Relations is particularly gratified to be able to report that it has had full, generous and unstinted cooperation both from all individuals in the executive branch of the State Government from whom assistance has been sought, and from the many persons who came before the committee to testify on the public affairs of this State. The committee extends its thanks to all of these persons, and reports to the full Assembly that it found the level of civic interest to be still high among our citizens and concern for the public welfare undiminished.

The committee members individually and collectively thank the Senators of the Senate Interim Committee on Child Welfare for coming to Fresno to hold a joint hearing on July 30, 1956. Appreciation for the assistance thereby given is expressed to Senator Jess R. Dorsey from Kern County, chairman of that committee; and to Senator Stanley Arnold, Modoc, Lassen and Plumas Counties; Senator J. J. Hollister, Santa Barbara County; and Senator A. W. Way from Humboldt County, members of the Senate Interim Committee on Child Welfare.

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APPENDIX A

DISABLING WORK INJURIES[a] PER 1,000 WORKERS, BY INDUSTRY CALIFORNIA, 1950-1955

Industry	Disabling injuries per 1,000 workers[b]					
	1950	1951	1952	1953	1954	1955
All industries	41 8	41 0	38 9	36 3	33 6	34 8
Agriculture (including agricultural services)	54 0	54 1	52 6	47 9	48 5	49.5
Mineral extraction	100 7	102 6	99 9	94 3	81 4	83 0
Metal mining	171 9	137 9	116 7	137 2	137.7	162.1
Crude petroleum and natural gas production (including oil- and gas-field contract services)	89 9	97 4	96 4	88 8	74 3	75.2
Nonmetallic mining and quarrying	107 9	104 1	102 6	97 4	83 6	75 2
Contract construction	96 8	93 2	88 6	87 0	81 8	86 6
General contractors, building	102 3	96 8	90 9	90 8	86 5	98 4
General contractors, other than building	106 6	103 7	97 8	96 8	87 2	84 6
Special-trade contractors	87 5	85 2	82 0	79 2	75.7	79 4
Manufacturing	48 4	47 3	42 0	37 8	33 3	34 6
Ordnance and accessories	n a.	n a.	n a.	19 0	13 6	9 6
Food and kindred products	57 8	60 3	59 2	54 3	52 5	53 1
Fruit and vegetable canning and preserving	63 3	69 6	63 7	53 3	52 5	53 4
Fish canning and preserving	69 8	61 5	56 7	50 7	46 4	47 9
Other	53 5	54 7	56 9	55 1	52 9	53 3
Textile mill products	32 1	34 2	34 2	32 2	31 5	37 9
Apparel and other fabricated textile products	15 4	15 1	16 2	15 4	13 6	13 9
Lumber and wood products (except furniture)	152 1	148 3	137 7	122 2	124 4	128 1
Furniture and fixtures	63 1	59 8	58 8	61 5	54 9	53 9
Paper and allied products	35 6	39 8	34 0	32 5	25 8	28 5
Printing, publishing, and allied industries	21 5	20 8	19 5	19 8	18 3	20 7
Chemicals and allied products	48 2	53.8	47 3	39 9	32.7	34.8
Petroleum products	13 2	13 0	12 8	11 0	8 3	9.1
Rubber products	33 9	42 4	36 0	35.6	28 7	30 6
Leather and leather products	35 4	34 4	33 0	34.5	36 4	33.5
Stone, clay, and glass products	51.1	50 6	47 3	43 2	38 2	38 5
Primary metal industries	55.2	56.2	60 5	53.5	46 8	54.0
Fabricated metal products	78 1	69 9	61 4	55 8	49 1	49.5
Transportation equipment	17 3	18.6	15 8	14.1	10.4	11.1
Motor vehicle and equipment	32 7	38.8	35 7	30 9	25 9	25 6
Aircraft and parts	9 9	12.6	10 7	9 4	6 8	7.5
Shipbuilding and repairing	59 5	55 3	54 5	50 3	44 1	43 3
Electrical machinery, equipment, and supplies	28 4	27 0	20 4	18 3	14 7	15 7
Machinery (except electrical)	51 1	53.7	50 1	49 2	39.4	38 9
Instruments and related products	31 2	33 0	30 5	25 3	21 1	21 7
Transportation, communication, and utilities[c]	47 7	46.8	44 1	40 5	36 6	38 9
Local railways and bus lines	n a.	n a	40 9	42 9	32 2	37 3
Trucking and warehousing	104 7	106.5	106.5	97 8	87 6	93 0
Telephone and telegraph	8.6	7 4	6 2	5 6	6 2	5.4
Utilities	37.3	27 8	25 2	22 1	17.7	14.3
Trade	34 0	33.3	33 5	30 9	28 1	28.9
Wholesale	32 6	31 6	33 0	29 8	26 6	27.7
Retail	34 6	34 0	33 7	31 3	28 6	29.3
Retail food and liquor stores (including dairies)	47.5	45 7	45 1	43 1	38 2	35 3
Retail general merchandise	14 8	15 2	15 7	15 7	14 0	15 0
Automotive dealers	40.7	40 0	41 2	37 5	35 0	34.9
Retail clothing stores	9 3	10 5	12.2	10.9	10 0	10 2
Retail filling stations	42 4	38 5	37 4	34 0	32 4	33.1
Eating and drinking places	38.1	35 9	35.7	33 1	32.2	33.7
Lumber and building material dealers, other combined wholesale and retail	67 6	74.7	70.5	64 1	54 2	56.5

DISABLING WORK INJURIES [a] PER 1,000 WORKERS, BY INDUSTRY CALIFORNIA, 1950-1955—Continued

Industry	Disabling injuries per 1,000 workers [b]					
	1950	1951	1952	1953	1954	1955
Finance, insurance, and real estate	12 5	10 2	9.9	8 8	9 5	8.8
Finance and insurance	5 9	5 1	5 8	4 9	5 0	4 9
Real estate	27 6	22 9	22 1	21 6	24 8	19.7
Service	24 7	24 1	23.2	21 2	20 4	20.6
Hotels and lodging places	35 2	36 3	34 6	33 6	33 7	32 6
Personal services	20 3	20 2	19 1	18 8	18 1	18 3
Business services	20 1	21 9	21 0	19 4	17 1	16 8
Automobile repair services and garages	80 1	74 8	67.7	63 9	55 9	54 2
Miscellaneous repair services	48 9	48 6	42 3	35 6	33 5	36 4
Motion pictures	13 9	14 3	14 9	14 6	15 3	16 2
Amusement and recreation services	52 4	47 9	44 5	40.7	41 1	41 0
Medical and other health services	18 4	18 1	20 1	18 4	18 3	18 9
Educational services—private	16 1	13 6	12 1	12 8	13 1	12 2
Other professional services	37 0	35 7	35 7	26 1	27 3	25 9
Nonprofit membership organizations	9 8	8 8	9 6	9 1	8 3	8.7
Government, State and local [c]	27 6	26.1	27.6	28.6	29.5	31 2

[a] Disability causing absence from work beyond the day of the accident.
[b] Injury rates are based upon employment estimates revised as of May, 1955.
[c] *Injuries and employment in publicly owned transportation, communication, and utilities are included under government, state, and local*
n a —Not available
SOURCE OF DATA
Table D, Sixth State-wide Meeting of the Governor's Industrial Safety Conference, February, 1956, and Table 3, California Work Injuries, 1955, Division of Labor Statistics and Research.

APPENDIX B

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY

SUBTITLE 1—MORE SAFETY ENGINEERS

Suggestions	*Made by*	*Reference in transcript*	*Summary of reasoning*
1. More safety engineers	Mr. Sid Mackins, California Lumbermen's Prevention Association	Eureka, p. 65	We agree that there ought to be more safety engineers.
2 More safety engineers	Mr Leonard Cahill, Redwood District Council Lumber & Sawmill Workers	Eureka, p. 46	I think we need more safety engineers That has been brought up many times at the various meetings that we didn't have enough safety engineers to go around We know that we have been asking for more for the last four or five years, it seems like it is the same story, when the time for the budget comes around, we don't have the money and it is stalled Why, I don't know.
3. More safety engineers	Mr Faville, Redwood District Council	Eureka, p 79	I strongly recommend to this committee that it use its influence in trying to obtain additional safety engineers which we all know are so drastically needed If we can't get it by one means, what's to stop us from trying to make an effort to obtain it by any other means?
4. More safety engineers to promote safety programs	Mr McMahan, California Lumbermen's Accident Prevention Association	Eureka, p 90	It is our feeling that if the Legislature does see fit to give more men to the Division of Industrial Safety, we would like to see men who are competent to go out and promote safety programs as well as just inspect and to say that this is wrong or that is wrong Whenever an adequate safety program has been set up in the woods, the accident frequency rates have dropped.
5. Give the Division of Industrial Safety more staff so that their safety engineers can spend more time on safety education and not just on enforcing safety orders	Mr. Ben Thomas, Supervising Engineer, Industrial indemnity Company	Fresno a m , p. 43	The Division of Industrial Safety is doing a splendid job, as far as I am concerned, they are doing a good job with the manpower they have They need more help in order to give better coverage They now have to spend most of their time enforcing safety orders If some of their men could spend more time on the safety educational phase it would help. You can't legislate a desire for safety among employers. They have to be persuaded that safety is worthwhile and personal contact is better than printed material in that respect. Once the employer has a genuine desire to prevent accidents and installs a whole safety program, the results will be substantial.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 1—MORE SAFETY ENGINEERS—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
6. More safety engineers	Mrs Beulah Bratton, Kings County Safety Council	Fresno p m , p. 31	We recommend that the Division of Industrial Welfare be given more safety engineers.
7. Give the Division of Industrial Safety more money so they can increase their staff in Tulare County	Mrs Dick Peterson, Tulare County Safety Council	Fresno p m , p. 23	We hope we can have more help in Tulare County. We have the dubious honor of being the most hazardous in agriculture for the last couple of years of any county. We are very grateful that the division has put a man full time in the county As I say, we hope we can have more help
8. Assign additional safety engineers in Tulare County	Mr. Henry Moore, Co-chairman, Agricultural Section, Governor's Safety Conference	Fresno a m., p. 40	There is a need for additional safety engineers in the field Tulare County, which is where I am from, has the highest accident rate in the State, and has had for a couple of years. I think it would be a definite advantage if we had additional safety engineers in Tulare County
9. More safety engineers to work among the ranchers	Mr. Henry Bartell, Rancher, Bakersfield, Kern County	Fresno p m , p 32	I recommend that the Legislature appropriate more money to give the Division of Industrial Safety more safety engineers We would like to have these inspectors come to our ranches. Last year they gave us two inspectors, and it was a great help to us, and we have proved to them that where they inspected the ranches, it saved a lot of injuries. I pay income taxes on three different phases; I pay compensation and insurance, it would be only a drop in the bucket to pay for more safety engineers for the division.
10. More safety engineers	Mr. George Reily, Director of Research and Education, International Brotherhood of Electrical Workers	San Francisco, p 40	We recommend that the Legislature increase the funds granted to the Division of Industrial Safety for the purpose of providing adequate numbers of trained personnel who could make inspection reports, promote voluntary compliance with the Safety Orders, and provide vigorous enforcement whenever and wherever necessary We feel that there is a lack in all of these measures at the present time.
11. The Division of Industrial Safety should have its staff augmented so it can station another engineer who is an expert on boilers in the Fresno area	Mr Reed Garman, District Engineer, Division of Industrial Safety	Fresno p m., p. 37	We ought to have another boiler specialist working out of the Fresno office The boiler man that we have here works with high pressure vessels in Fresno, Kings and Tulare Counties We depend for service of that type for Madera and Mariposa Counties on a man from San Francisco who has many other counties to cover We ought to have another boiler man here The tanks have to be carefully inspected by a specialist, and if they are not right, they have to be made right, in other words, there is an enforcement problem.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 1—MORE SAFETY ENGINEERS—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
12. More safety engineers	Mr McKay Mitchell, District Safety Engineer, Division of Industrial Safety	Los Angeles, p. 15	If we had more personnel we could put on more activities There is only one of me in Southern California, and I am spread pretty thin. We distribute safety brochures through trade associations, contractors associations, and labor unions. We published four safety brochures last vear. There are a dozen other subjects that we should have brochures on.
13. More safety engineers	Mr. Delmar Tucker, United Electrical Workers, Local No. 1421	Los Angeles, p 64	I am fully in favor of legislation appropriating more money to the Division of Industrial Safety so that they may put on more people and more adequately service the people "I have heard of numerous cases where safety conditions were reported and either there was no investigation of it at all, or if there was an investigation, somebody went out, turned around a couple of times and left" I believe there should be more money provided to have adequate investigation of all cases where there is a question of compliance with official safety orders.
14 Assign at least one industrial safety man in the area to enforce the law. More resident engineers	Mr Ernest Slattery, Business Agent, Laborers and Hodcarriers	Eureka, p. 36-37	My main point is there's no man up here that we can call on and get action immediately We have no enforcement We have no prosecution. All we can do is go out and holler and we had an incident here last week. I can show you four different violations within five blocks of this place right here Now, I can go out and tell the men to come away from there—as soon as I am gone, they go back to work. There is no enforcement. There is no prosecution for putting that man back to work. How can a man protect himself unless we have someone here who can prosecute the violators?
15. Resident safety engineers	Mr H E McGrath, Business Manager, Laborers and Hodcarriers	Eureka, p 34	"Things are deplorable in this area I had to go to Blue Lake on a sewer job and pull my men out of a ditch. The man gets out of the ground, and after I leave he forces my men to go back in the ditch We need something here with a bite We don't need talk. We need action" (P 36) "If you couldn't give us a construction safety engineer, give us an Industrial Safety man, and that would simplify our work.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 1—MORE SAFETY ENGINEERS—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
16. Resident safety engineer	Mr Tornwall, Secretary of Building Trades Council, Eureka and Assemblyman Holmes, Santa Barbara	Eureka, p 29	"All we request in this area is somebody to be here to represent the State so that we can get sufficient enforcement of the law It's no use having a law if you don't enforce it, or clothe it with an amendment in the future so that the people who are working at the trade will be protected It's a serious condition here as the brother said about those ditches which I have watched in many instances, and the shoring and who has the proper authority to see that they put it in right We go after the contractor and the contractor tells us to go to hell, it's none of your business—putting it in plain language."
17. More safety engineers	Mr George Sherman, Division of Industrial Safety, in charge of the Industrial Section	Eureka, p. 24	I recommend that at least one resident construction safety engineer be assigned to the Eureka area There are nine men whose activities are primarily devoted to the forest products industries as compared to two men in 1940 There are three men in the Redwood area, one in Redding, one in Chico, one in Sacramento, one that works out of Stockton and one works out of Fresno Even with this expansion in coverage in the forest products industries, the staff is inadequate Based on workload studies, that is not enough to give more than token coverage to the forest industries
18. More safety engineers	Mr. Joe Roberts, Division of Industrial Safety	Eureka, p. 22	"I do get many complaints from the unions, as this gentleman here is now complaining, that they don't get the proper service " In construction there are 22,000 licensed contractors covering that type of work and those contractors have anywhere from one to you can guess the total number of jobs they have at one time, sometimes, some of these companies have eight or ten jobs at a time, and you try to figure out what fourteen men can do in that regard, and there is no question about it, there is a shortage of state safety engineers
19. Furnish safety inspectors on state construction jobs	Mr Mailloux, Secretary, San Francisco Building Trades Council	San Francisco, p. 25	The State of California could well see to it that there were safety inspectors on construction, maintenance or repair jobs being done with state money On a construction job on a new highway recently, there were plenty of inspectors to see that the specifications for the finished job were fully complied with—but no one was there to check on safety. Of course, the Division of Industrial Safety will send a man when there is a special request But it seems to me that the State ought to set up some system to see to it that safety engineers are present on construction jobs, just as there now are inspectors to see that the job is done properly.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 1—MORE SAFETY ENGINEERS—Continued

Suggestions	*Made by*	*Reference in transcript*	*Summary of reasoning*
20. More safety inspectors	Mr Joe Murdock, A. F L. Laborers Local No 300	Los Angeles, p. 75	Our problem is non-compliance with the safety code provisions on shoring Again and again we have tried to prove that our men are working under conditions that wouldn't warrant their being in a 20 foot deep sewer line or cesspool At one job in setting the reservoir at Sepulveda and Balboa, there were thirteen counts of unsafe conditions found there I believe that employers are aware of these unsafe conditions and consciously violate the safety codes. It is not enough to educate them in the provisions of safety codes. We need more safety engineers to inspect for safety and insist on compliance, especially in the San Fernando Valley where there is so much construction
21. More preventive inspections	Mr Sidney Felsen, District 721, International Assoc of Machinists	Los Angeles, p 82	We would like to see more inspections of plant facilities by safety men, either state safety engineers or company safety engineers, to discover dangers before workmen are seriously affected We had a case in the chrome plating room. There was improper ventilation, nobody noticed it until the men started coughing blood. When we find a dangerous condition we have it described by the labor member on the plant safety committee It is then eventually investigated by the whole committee and a recommendation is made. We would like to see legislation that would compel the company to investigate hazards with trained personnel, and put in safeguards before men are seriously hurt.
22. More safety engineers	Assemblyman Ed Gaffney San Francisco	San Francisco, p. 22	One of the two main purposes of this subcommittee is to generate enough sentiment so that we will be able to make the entire Legislature friendly to better appropriations for the Division of Industrial Welfare, and to enlarge its staff of safety engineers.
23. More safety engineers	Mr. Bud Clifton, Plumbers and Fitters Local Union No. 471	Eureka, p. 20	On short jobs such as 600 feet of ditch, my men go in right in back of the diggers. If it is improperly shored, we have no recourse because by the time we get a complaint in, the ditch is being filled up again. We have no safety engineer here to represent us. If there is an accident, and men have been severely injured during the last three years—we had one killed. If there is an accident, by the time the safety engineer comes from San Francisco or wherever he is stationed, why, by that time the job is done At most, he may issue a citation and then he leaves.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 1—MORE SAFETY ENGINEERS—Continued

	Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
24	More safety engineers	Mr Mark G Campbell, representing the engineers	Fresno, a m , p 20	In talking about the safety men that we have in this area, we all know, as was mentioned before, that we haven't enough of them.
25	More safety engineers	Mr Norval McDonald, Industrial Indemnity Company	San Francisco, p 98-99	While education is very important, the mechanical guarding just cannot be eliminated We have to realize that it is there, with automation coming on to the scene, we are going to need more trained engineers and they have to know their stuff. You can't just go out and show them a motion picture and talk to them and put up a few safety posters; we have to have trained men. We worked very closely with the Division of Industrial Safety and I know that I appreciated it, and I'd like to go on record with my company, of seeing that they get some more trained engineers
26.	Increase the staff of the Division of Industrial Accidents so that they can do a better job of determining the cause of accidents, such as those that have occurred in the cotton gins	Mr Henry Moore, Co-chairman, Agricultural Section, Governor's Safety Conference	Fresno, a m., p. 39	I recommend that the staff of the Industrial Accident Division be increased Particularly, as in the cotton ginning industry last year to determine the cause of explosions in the gin. It is sometimes thought to be caused by sodium chlorate, but the chemists, both company and state, have never been able to get sodium chlorate to react like that in the laboratory There is some thought that new drying equipment in the gins might be responsible, that the spindle oil could be it At any rate, each explosion needs to be very carefully investigated to determine the cause, if possible, so that preventive measures may be used
27.	Make it possible to assign an electrical engineer to work out of the Fresno district office	Mr. Reed Garman, District Engineer Division of Industrial Safety	Fresno, p.m , p 48	We need more electrical inspectors in the towns throughout the San Joaquin Valley In the big cities the electrical inspection work is done promptly, but we surely need another electrical engineer to work out of Fresno to give better service in that respect
28	Allocate safety engineers to trades and services	Mr Tony Anselmo, Co-chairman of Statewide Trades & Services, Northern Section, Governor's Industrial Safety Conference	San Francisco, p. 50	The Legislature should appropriate the necessary funds to provide the Division of Safety with the necessary engineers so that they may allocate a portion of them to trades and services which are presently being ignored, except for such items that come in for periodic inspections, such as elevators.
29	Growth of the Division of Industrial Safety should at least be proportional to the growth of industry and population of the State	Mr. Frank Henry, Assistant Chief of the Division of Industrial Safety	Fresno, a.m , p 8	We need a larger organization. We have not kept pace proportionately with the increase in population or the growth in industry The growth in personnel in the department is best, though, if it is steady, and not a sudden big increase in any one year.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 1—MORE SAFETY ENGINEERS—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
30. Two or three more safety engineers in the southern part of the State	Mr Carl E Johnson, Assistant Chief of the Division of Industrial Safety	Los Angeles, p 20	If we could get an increase of personnel in the Los Angeles office, we would like to do it on the feeling out basis to see over a period of time what effect it would have I believe it would, therefore, be better to recommend that perhaps an increase of two or three engineers in this category would be good for the coming year
31. More safety engineers	Assemblyman Ed Gaffney, San Francisco	San Francisco p 28	The need for more safety engineers in the Division of Industrial Safety is underscored by looking at the statistics In the aircraft industry in San Diego they have one company safety engineer to not more than 5,000 employees. Their rate of accident has gone down almost 40 percent in the last two years Mr Blackman's division has only one safety engineer for every 45,000 employees in San Diego, and state-wide the figure is one safety engineer for every 35,000 men and women employed in industry. The figures certify that additional safety engineers cut accidents and save lives
32. More safety engineers	Mr H G Feraud, Executive Secretary of the Southern California Rock Products Association	Los Angeles, p 41	The members of the Southern California Rock Products Association and the Southern California Ready Mixed Concrete Association furnish 95 percent of the sand and gravel used in the metropolitan Los Angeles area and 75 percent of the ready mixed concrete Employment is about 3,800, the annual payroll is $15,000,000 The industry operates under the general orders, the electrical orders and the open pit mining quarry orders We have reduced our frequency rate from 35 for the period two years ago to 16 5 now Of the 130 lost time injuries in the year from March 1, 1955 to February 29, 1956, only 20 percent were in the plants themselves The balance, 80 percent, were in the transportation equipment We believe in enforcement, we believe in having the employees take part in safety committees
33. Recommend to the Division of Industrial Safety that it ask for considerably more safety engineers in the next budget	Assemblyman Wallace D Henderson, Fresno	Eureka, p 68	This committee has to recommend certain needs and in a rather definite manner, namely, to the various departments that we feel that you need more men In an area like this where we have statistics, we have a safety council, we have your council backing it up, we have the Lumbermen and Loggers Association where both management and labor and safety people—we have a good chance of getting more safety engineers

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 1—MORE SAFETY ENGINEERS—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
34. More safety engineers	Mr Al Martinez, Business Representative, Laborers Local No. 300	Los Angeles, p. 43	Safety engineers are in very short supply in this area When we need one in the Palmdale-Lancaster area, we are told they will try to get one there as soon as possible Since there are only five for the whole Southern California area, it is hard for a contractor to wait and for us to pull our men off the job, due to the fact that our men are depending too much on their day-to-day work The Department of Industrial Welfare Representative stated they need three more in this area, I think they need at least five more.
35 More safety engineers	San Francisco Chapter of the National Safety Council, Mr Jack W Soward presenting the suggestion	San Francisco, p. 82	The San Francisco Chapter of the National Safety Council, through its industrial committee, strongly urges the addition of at least 20 field safety engineers or inspectors to the staff of the Division of Industrial Safety in the Department of Industrial Relations The vast increase in employers and employees experienced during the past decade has created a serious deficiency in the supervision and enforcement of safety orders and regulations A large segment of employees, particularly those in trades and services, such as agriculture, small manufacturing and construction and small transportation, have been increasingly neglected safety-wise during the past years The Division of Industrial Safety needs at least 20 more engineers in order to do its job
36 Indorsement of request for 20 more safety engineers	Mr W. A Ball, Secretary-Manager, Milk Products Manufacturers' Association	San Francisco, p 88	I was very much interested in Mr. Soward's comments and particularly his formal statement, and I would like to subscribe the name of the Milk Products Manufacturers' Association to the formal request for the 20 additional safety engineers.
37. 20 more safety engineers	Assemblyman Wallace D Henderson, Fresno, and the San Francisco Chapter of the National Safety Council	Eureka, p 67-68	I move we take the recommendation of the San Francisco Chapter of the National Safety Council for at least 20 more field safety engineers and recommend it to the full committee for action Mr Holmes "No objection" Mr Gaffney. "It is so ordered"

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 2. LITERATURE ON SAFETY

	Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
1.	Free distribution of safety orders	Mr George Faville, President, Redwood District Council, Lumber and Sawmill Workers	Eureka, p 45	I think that the logging and sawmill safety orders should be distributed free It would help to get the orders posted in the mills where the men can get more help from them Perhaps they could be broken down, one brief and suitable summary for the fellow working in the woods, one for the box factory or planing mill and so on.
2	Free safety orders	Mr. Sid Mackins, California Lumbermen's Accident Prevention Association	Eureka, p. 64	We discussed this problem at a meeting of a committee of our organization in San Francisco a couple of weeks ago, and we feel that there is one place in the accident prevention program where we can help the situation a lot and that is in the matter of education There were two things specifically discussed this morning. One of them is safety orders, and the other is more safety engineers. We do agree that that can be expanded on.
3	10,000 logging and sawmill orders for free distribution	Mr Leonard Cahill, Redwood District Council	Eureka, p 80	We asked for 10,000 safety orders for free distribution. Is there any way we could get them? Mr Gaffney, p 82 Last time that was lost in the Senate Finance Committee Next time, we'll be alert all along the line and see that it stays in the budget
4.	Money for more visual aids to be used by safety engineers in safety education	Mr Reed Garman, District Engineer, Division of Industrial Safety	Fresno, p m., p. 54	We need equipment to use visual aids in our demonstration work. We need all types of visual aids, including cameras and plenty of film We need moving picture cameras and 35 mm film We should have it here and not have to depend on getting it from San Francisco Some of our best preventive work is done with the Farm Bureau, the Grange, the Safety Council and the 4-H Clubs We need the moving pictures to convey our message to groups—keep them interested and leave a message that remains with them
5.	Publish safety brochures on a dozen more subjects (for free distribution)	Mr McKay Mitchell, District Safety Engineer, Division of Industrial Safety	Los Angeles, p. 14	Give the Division of Industrial Safety more money to publish safety brochures, such as, "Read and Understand the Label," "Power Hand Saw Safety," "Keep Away from Power Lines,"and "Using Carbon-tet." The majority of industrial accidents, like all accidents, are caused by the human element In order to cut them down, we have to educate the worker. The distribution of safety brochures by trade associations, contractors associations, and labor unions, is an effective way of getting the safety message to the man on the job (p 21). The appropriation for brochures could well be raised up to 50 percent.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 2. LITERATURE ON SAFETY—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
6. More funds for educational effort by the Division of Industrial Safety	Mr H G Feraud, Executive Secretary of the Southern California Rock Products Association	Los Angeles, p 41	I want in the first place to support the position of Mr Johnson and Mr. Mitchell of the division in their request for adequate funds to continue an effective education program and to secure a proper number of qualified safety engineers for this division in this area We need it badly
7. Distribute safety orders free	Mr C L Barr, Assistant Superintendent of Field Services of the State Compensation Fund in the Los Angeles Territory	Los Angeles, p 61	If safety orders were given free distribution, it would be a wonderful move. It would be of tremendous value for safety education purposes
8. Distribute safety literature throught the schools	Assemblyman Ed Gaffney San Francisco	Fresno, p m , p 31	If the distribution of safety literature through the schools is effective in the rural areas, the distribution of pamphlets on safety practices in the home ought to be equally effective in urban areas by distribution through the schools
9. Acquaint people with the safety literature now available	Mr Ben Thomas, Supervising Engineer, Industrial Indemnity Company	Los Angeles, p. 47	Part of the problem is to get people aware that the Division of Industrial Safety has a lot of safety material, as the State Compensation Insurance Fund and the insurance company I represent, also have Recently a city councilman asked me if we had any safety material he could use in developing a safety program among employees of his street and road department I sent him the printed list of the pamphlets put out by the Division of Industrial Safety, and our own catalogue of safety aids I think part of the problem is to let people know that such material is available
10 Give the Division of Industrial Safety some money for educational material in the form of placards, films and other visual aids	Mr. Sherman, Division of Industrial Safety	Eureka, p 40	We don't have adequate money or facilities to do a really good educational job We have to use our field staff to show the visual aids such as placards and films We have one film which has been shown 17 times in the last three months and without exception it has been received favorably by all groups
11. Recommendation No. 7 of the Forest Products Industry delegates to the Governor's Conference	Assemblyman Ed Gaffney, San Francisco	Eureka, p. 41-42	The Assembly Subcommittee endorsed the following No 7—That the Division of Industrial Safety continue to operate to joint safety committees by A Personal contact by safety engineers of the division with joint safety committees to discuss the results of safety committee inspections; new techniques and methods and special problems. B A request by the division of a budget item sufficient to permit the distribution of 10,000 copies of the Logging and Sawmill Safety Orders to interested parties free of charge. C An expanded program of slides, films, pamphlets, posters and other visual aids made available free of charge to all interested parties, institutions and schools

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 2. LITERATURE ON SAFETY—Continued

	Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
12	That an expanded program of slides, films, pamphlets, posters and other visual aids be made available by the Division of Industrial Safety to all interested parties, institutions and schools	Delegates of the Forest Products Section of Governor's Sixth Industrial Safety Conference	Eureka, p. 41-42	This recommendation was indorsed by the Assembly subcommittee on Industrial Relations
13.	Publish safety pamphlets for school children to study	Assemblyman James Holmes, Santa Barbara	San Francisco, p. 78	I feel that a safety pamphlet should be printed and that the school children in each grade should go over this little pamphlet at the beginning of of each year The pamphlet could stress some of the basic principles of safety, and by the time the students have grown up and enter the industrial world they will be safety conscious, and they will exercise due caution and care in the operation of any dangerous machine.
14	Free Safety Orders	Assemblyman Ed Gaffney, San Francisco	Fresno, a.m., p. 17	There ought to be a safety order in farming, and the safety orders should be distributed free to interested or affected parties
15.	Publish brochure on dermatitis	Mr. George McCarthy, Vice President, Plasterers' Local No 2	Los Angeles, p 85	We have trouble with dermatitis in our trade. We get it from the cement. We have had many cases of men unable to work because of cement poisoning as we term it. We use that phrase because the men understand it better We have had one death in the last four years in the San Diego area. A man became covered with dermatitis and could get relief only by soaking himself in a tub of hot water Eventually, he died. We had another one in Los Angeles who had to quit his job We took it up in the committees and they told us to do some research on dermatitis and find a cure. We would like to know whether there is a brochure published by the State Division of Industrial Safety. We would like to have a safety brochure made up so that the men could use whatever preventive methods have been found to protect themselves from dermatitis We feel this should be an individual booklet that every one of the approximately 7,500 plasterers, the 7,500 cement masons, the printers and those employed in the baking industry should have one copy of such a booklet.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 2. LITERATURE ON SAFETY—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
16. Distribute safety literature through the schools	Austin Bryant, Student, Fresno Junior College	Fresno, p.m., p. 29	With respect to accidents among seasonal farm workers, or migratory farm workers, it might help to have a program of distribution of safety brochures or pamphlets in the schools The older children might learn safety practices from that. (In Kings County there was a safety quiz sent home with every child enrolled in the fifth grade and up All were returned The schools in Kings County also distribute the brochures put out by the Division of Industrial Safety on grains and insecticides and crops)
17 Posting safety orders	Attorney Jerome Smith, representing Locals 216 and 230 of the U.A.W., Los Angeles	Los Angeles, p. 26	The employer should be presumed to know applicable safety orders. The law should require that employers post applicable state safety orders and should provide for new safety orders in every area of employment
18. Give the Division of Industrial Safety money for for the express purpose of increasing safety education on the farm	Mr. Henry Moore, Cochairman, Agricultural Section Governor's Safety Conference	Fresno, p m , p. 10	Several people here today have testified that the agricultural safety problem shows promise of more results in education enforcement and I'd like to ask that this committee recommend to the Legislature that more money be made available to the division for the express purpose of educational promotion on the farm
19. Distribute the safety orders and safety brochures and pamphlets free	Mrs. Vivian Crabtree, Fresno County Farm Bureau	Fresno, a m., p. 18	We would like to see the safety literature of the Department of Industrial Relations available for free distribution. The people working on safety in the Farm Bureau would be happy to assist in the distribution of this material.
20. Additional dissemination of safety literature by the Division of Industrial Safety, particularly at places farmers congregate —such as county fairs, or through the C.F.B.F.	Mr Robert E. Hanley, Legislative Representative, California Farm Bureau Federation	Fresno,a.m.,p.p. 16-17	The distribution of safety literature such as free pamphlets could be accomplished at county fairs. The Farm Bureau Federation would be glad to cooperate in the distribution of such materials.
21. Post the Log and Sawmill Safety Orders in the sawmills	Assemblyman Wallace D. Henderson, Fresno	Eureka, p. 45	I suggest that the logging and sawmill safety orders be posted in each sawmill.
22. More pamphlets, slides, movies for safety education	Mr. T. P. Hedt, California Processors and Growers	San Francisco, p. 93	I urge that the Legislature make some more money available for movies, slides, and pamphlets for educational purposes. I frankly believe that a dollar spent for education will do as much, if not more, to prevent accidents as having more inspectors. I'd say that inspectors are very necessary. I believe that the various safety orders have been recently rewritten and are in pretty good shape I think that if the educational program were enlarged, it would be a great help.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 2. LITERATURE ON SAFETY—Continued

	Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
23	The Division of Industrial Safety should have more films, cameras and projectors to show safety	Mrs Francis Leach, Division of Industrial Safety	Fresno, p m , p 4	We have the idea that a good deal could be done through developing our own pictures of farm accidents and of hazards on the farm where accidents occur, and then showing these slides at group meetings in the same county, so that the meeting may be personalized The division has a camera but we have not been able to get it as yet It is used all over the State We would like to have a camera and a projector.
24.	More use of visual aids such as film-strips	Mr. Sid Mackins, California Lumbermen's Accident Prevention Association	Eureka, p 66	We have had two occasions to have a a man by the name of Sands from the I C C at meetings He really knew all the answers to the truck drivers and equipment and he gave us a dandy talk Such a thing as that man's talk—his slides, could be made into a film strip and several copies made so that it's available for these various safety departments I think that would be much more important to accident prevention programs than a safety engineer once or twice a year or a pocket book of rules and regulations
25.	Break down the Log and Sawmill Safety Orders into small pamphlets and give one to each workman (one for woods, one for roads and one for sawmill, etc.)	Mr. Leonard Cahill, Redwood District Council Lumber and Sawmill Workers	Eureka, p. 47	But I do believe that the time will come when we can get these safety orders broken down Then we could hand out a small pamphlet to each individual If the workman is felling timber—why he could have that particular section If we could do something like that to get the safety orders out to all the men, I believe it would help
26	The State should give the Industrial Accident Division more money for the distribution of free literature on accident prevention	Mr. Louis Hall, Division of Industrial Safety	Fresno p m , p 2	Safety education should start in the high schools Particularly in agricultural areas there is a tendency for the older farmers to object to innovations, even though such changes are safer But the youngsters in the schools can be taught improved safety practices They learn more easily, especially if the safety pamphlets express the ideas simply, graphically, preferably with the aid of pictorial art, even cartoons
27.	Give the Division of Industrial Safety an adequate budget and give the safety engineers power of enforcement	Mr George Faville, President, Redwood District Council Lumber and Sawmill Workers	Eureka, p 45	I think the sum and substance of what has been said is that if adequate finances are provided the Division of Industrial Safety and the safety engineers are given the power of enforcement, you will solve two of the major issues with which we have been concerned

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 2. LITERATURE ON SAFETY—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
28. Free Safety Orders	Assemblyman Ed Gaffney, San Francisco	Eureka, p. 43	The State puts out a manual of safety and hands it to everybody that takes a license to drive a car. The State doesn't employ the police power of the State on your driving of a vehicle without telling you in print how to drive a vehicle and how to protect your neighbor and yourself on the streets and highways. Now, in the woods and in all industry, that same principle is involved The Vehicle Department does not have to charge for that manual of safety. The Industrial Accident Division ought to be able to distribute the safety orders free.
29. More safety education	Assemblyman James Holmes, Santa Barbara	San Francisco, p 94	If we appropriate more money for the publication of safety pamphlets and the production of these safety films, those films can be sent out and shown upon request, to any number of plants and a safety engineer would not necessarily have to go along. In other words, by the addition of the films and the pamphlets, I think it would do an immeasurable amount of good for the reduction of accidents, and that would leave the safety engineers more time to go to these smaller contractors to give them additional help I do not think our problem is with the large firms, they are already taken care of by the fact that they have hired safety engineers at the rate of almost one per thousand in some places I think that something good will come from this committee hearing, if it is nothing more than an additional appropriation for additional pamphlets Mr Gaffney was talking about 30,000 a while ago in comparison to 5,000,000 people that work 30,000 is merely a drop in the bucket, as far as literature is concerned. It should be in higher proportion than that

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 3. REVISION AND EXTENSION OF SAFETY ORDERS

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
1. Provide safety orders for for hotels and restaurants	Mr Tony Anselmo, Co-chairman of Statewide Trades and Services (Northern Section), Governor's Industrial Safety Conference	San Francisco, p 49	In restaurants and hotels there should be a safety order for all workers and especially for those who work in the kitchen Food choppers, food slicers, etc ; while there are manufacturing requirements, you would be surprised to see some of the choppers, such as the Buffalo Food Chopper, that are used without protection. Just recently one of our workers lost a thumb in a chopper. We should have some safety orders There are over 250,000 workers in the hotel and restaurant industry.
2. State safety orders for utilities	Mr George Reily, Director of Research and Education, International Brotherhood of Electrical Workers	San Francisco, p 41	We have noted and commented upon for several years to the Governor's Industrial Safety Conference, to the Legislature, and to the Division of Industrial Safety, that there are still no safety orders for workers engaged in natural gas, transmission and distribution This has become a very essential part of the public utilities in California Recently, the major utilities have adopted their own safety orders That is good as far as it goes, but it is not enough. Such orders are not enforceable at law, and there is no real protection for a workman if a supervisor refuses to enforce the company order properly.
3. Compel contractors on state jobs to use equipment that complies with state safety code	Assemblyman Ed Gaffney, San Francisco	San Francisco, p. 72	The State of California could extend the suggestion that equipment exhibited on state property must be in compliance with the safety code and to also compel any contractor working for the State to use only equipment that is safe as prescribed by the safety orders.
4. Add section to Safety Code on radioactive materials (include identification of pipes carrying radioactive materials even if underground)	Mr. Raymond I. Gibson, Plumbers and Fitters, Local Union No. 761	Los Angeles, p. 53 (already in the orders, question is whether orders are adequate)	There is a developing danger in maintenance or repair work on pipe conveying radioactive materials or wastes A journeyman-craftsman may work in an area or with materials that are hazardous to him without his knowledge of the danger We suggest a section be added to the California State Safety Code to protect craftsmen who work under conditions involving radioactive materials or waste We think the section should require identification of piping of materials and that unidentified piping of materials that may be radioactive must be checked by the proper testing apparatus before any duties or services can be performed by the craftsmen. This is particularly applicable to underground pipes

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 3. REVISION AND EXTENSION OF SAFETY ORDERS—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
5. Require two fresh air intakes in movie projection booths (strengthen Safety Order 3319 governing ventilation in projection booths) (health measure)	Mr Clem Marchand, Executive Board Member, Local 150, Projectionist, I A T. S E.	Los Angeles, p 49-51	The increased size of the screen in cinemascope, vistavision, tal-a-o, and similar new processes in the movies mean that more light is required from the projector lamp. More current is used, more heat and more noxious gases are emitted in the projection booth Particularly, the oxygen consuming gas producing equipment creates a problem in ventilation in the projection booth. The suggestion is that old booths as well as new ones should be compelled to have two or more fresh air intake ducts installed near the floor on opposite ends. The situation is all right in new theaters, but in the old ones it is a serious problem. "It is a health problem, some of our men have been dying with heart attacks; one at the Pickwick Theater where the ventilation was at fault. The exhaust from the lamp was being picked up by the intake We had the law changed at that time "
6. Employer should be presumed to know safety orders	Mr. Jerome Smith, Attorney, representing Local 216 of the U. A. W.	Los Angeles, p. 26	The employer should be presumed to know applicable safety orders. In other words, the requirement that knowledge of safety orders be required to be proved) (in cases where an increase in compensation is payable in the case of injuries caused by the serious and wilful misconduct of the employer), in such cases should be eliminated
7. State enforcement of certain United States Public Health Standards	Mr. Tony Anselmo, Secretary, Trades and Services Council, San Francisco	San Francisco, p. 50	The United States Department of Health provides certain standards for detergents, but I think the State of California should lead the way. The Legislature should appropriate the necessary funds to provide the Division of Safety with the necessary engineers so that they may allocate a portion of them to trades and services which are presently being ignored with the exception of those units of safety which are provided under the safety code, such as elevators and what-not, they are periodically inspected I mean, as a whole, trades and services are the orphans of the Safety Division.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 3. REVISION AND EXTENSION OF SAFETY ORDERS—Continued

	Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
8	Safety shields on tractors	Mr. Tom Souell, Chief Engineer for Industrial Indemnity Insurance Company	San Francisco, p. 66	About 30 or 40 farmers are killed each year in California in tractor accidents Usually the tractor rolls over on them. That same situation used to exist in the logging industry. Tractors would tip over, maybe catch on a tree limb, or tip on rough ground. About 20 years ago we began to encourage the operators to put heavy steel canopies over them, so if the tractor tipped over, the driver would be protected At first they said it was the human element and nothing could be done But the number of fatalities got so serious the operators commenced putting on the steel canopies Now that is part of safety order, that you must have those logging tractors with a guard to protect the driver We think the same thing should be done on farm tractors.
9.	Make manufacturers label injurious substances	Mr. Terry, Jr , Representing Moore Drydock Company of Oakland	San Francisco, p 34	The State should give the Division of Industrial Safety authority to compel the manufacturers of injurious substances, such as insecticides and paints, to plainly explain the danger on the label. As things now stand the obligation rests on employers using the substances to comply with the orders governing labeling of injurious substances. There is a general warning on all paint. But one can may be relatively harmless, but the next one may have toxic qualities The warning is now the same on both. This is very difficult for safety engineers, from whatever source, to check upon. Consequently, if the State could require the manufacturers to plainly label the types with dangerous poisons in them, it would be a big step forward
10.	Standards for detergents	Mr. Tony Anselmo, Co-chairman, Trades and Services, Governor's Safety Conference	San Francisco, p. 49	Some of our personnel in the hotel and restaurant field are troubled by occupational diseases such as dermitits and paresthesia Some of this is from food products The biggest part of it comes from the type of detergents and materials that are used in the establishment I think that if the Health and Research Department could set up standards on the type of material and the type of detergents that could be used in these establishments it would go a long way to eliminate some of the occupational diseases.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 4. SAFETY ON THE HIGHWAY

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
1. License drivers for specialized equipment	Inspector McConnell, State Highway Patrol	Eureka, p 53	It is the feeling of the California Highway Patrol that people who drive complicated types of vehicles should be licensed for the particular type of vehicle which they are going to drive.
2 Hold loaders as well as drivers responsible for safety	Mr. Bill Lee, North Coast Timber Truckers	Eureka, p. 55	I feel that with the tremendous number of trucks now used there is a problem because the trucks are loaded too fast If a driver complains very forcibly, he just doesn't need to come back I feel that loaders should be held equally responsible with the driver for an unsafe load that leaves a point of destination and goes onto the highway
3. Require proper trailer hitches on automobiles and trucks pulling trailers	Mr Carl Sanderson, Association of the Northern California Loggers	Eureka, p. 56	Those who drive trucks or cars pulling trailers should have the proper equipment to pull these trailers in the first place, and then the proper knowledge of how to handle them It seems to me that a car and house trailer about 60 feet long is just as dangerous as any lumber truck or freight truck.
4. Safety for welders	Mr. George Reily, Director of Research and Education, International Brotherhood of Electrical Workers	San Francisco, p. 42	We have a problem on gas mains located on highways The State Department of Highways only permits a two square foot hole going down into the ground to the gas main. Often one worker has to hold another by the feet while he is lowered head first into this hole to weld on a transmission or distribution gas pipe. This can be a very dangerous operation because the worker has no knowledge of the pressure which exists within that gas pipe and of course the heating of it is certain to cause an increase in pressure in the process of welding We hope a solution can be devised for this dangerous condition which now exists.
5. Better highways to cut down danger of highway accidents to lumber trucks	Assemblyman Ed Gaffney, San Francisco	Eureka, p. 9	Possibly this committee could bring in recommendations that urge better highways in the north It is the province of this committee to try to inquire as to whether we can help to get better highways.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 5. SAFE EQUIPMENT

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
1. Require farm equipment *manufacturers to conform* to the state code before equipment is offered for sale	Mr Harry Weatherholt, Kern County Safety Council	Fresno, p m , p 11	The state should pass legislation requiring *that farm machinery meet the* specifications of the safety code before the equipment is offered for sale As the situation is now, the State requires the farmer to comply with the code It is quite expensive to install special guards on machinery already completed, whereas it would be a simple task to fit on such equipment in the factory as part of the assembly job There is also a question of effectiveness If the safety guards are not designed as part of the machine itself, they are sometimes awkward and cumbersome and somewhat ineffective
2 Apply Safety Code regulations to the manufacturers of equipment Control it at point of sale	Mr Tom Souell, Chief Engineer for Industrial Indemnity Insurance Company	San Francisco, p 62	Under current law in California it is perfectly legal to sell any equipment, *regardless how dangerous it may be* and the state has no jurisdiction over it until an employee starts using it For example, farm equipment that is dangerous is brought into the state and sold, and the state has no jurisdiction to see that it is properly safeguarded It is illegal to put an employee on equipment which does not come up to state safety standards but there are not enough safety engineers to check all the equipment If the control could be applied at the point of sale; make it illegal to sell equipment not in conformity with the safety codes, we would make a big gain
3. Equipment (farm) displayed at County and State Fairs should conform to State Safety laws (guarded gears, etc)	Mr Tom Souell, Chief Engineer for Industrial Indemnity Insurance Company	San Francisco, p. 65	If the state itself would insist that the *equipment which is displayed on* state property conform to state law, it would set a good example People at state fairs, county fairs and other gatherings would then be able to see only equipment that conformed to the safety code They would find out what the safety requirements were, and would be more likely to buy only equipment which would be within the law as respects the Safety Code
4 Mercury cut-off switch on tractors	Assemblyman James L Holmes, Santa Barbara	San Francisco, p. 74	In a great many of the fatal accidents involving tractors, the tractor tips over in such a way that it has fallen upon the driver In other words, we might say that such accidents happen when the front of the tractor becomes elevated so high that the tractor falls back upon the driver. It looks to me like it would be very easy to put in a mercury switch so that when a tractor got up to a 30 degree angle it would automatically cut the motor, it would stall and it would never go back over the top of him, and why those little simple things like that are never put on tractors is beyond me.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 5. SAFE EQUIPMENT—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
5. More lights in hotels	Mr Piccin, Waiters and Dairymen's Union, Local No 30, San Francisco	San Francisco, p.	In some hotels there are dining rooms on two floors Some of the stairways are not very well lighted, may have only one light Some have carpets; some are just wood, and some are concrete A waiter can easily trip when carrying a trav up the stairs in those hotels without elevators. It is a problem in safety.
6 Standardize operating levers on farm equipment such as tractor's clutch; for example, be engaged when the operator pulls lever toward him, and disengaged when he pushes it away	Mr Harry Weatherholt, Kern County Safety Council	Fresno, p m., p. 11	Perhaps something could be done to persuade manufacturers of farm machinery to standardize operational actions For example some tractors you pull the clutch lever toward you to disengage the clutch; on some you push the lever away from you Farm hands work on seasonal jobs and they move from farm to farm So, when an operator gets in an emergency, he sometimes gets confused and does exactly the wrong thing, engaging the clutch when he meant to disengage This compounds the difficulty. Sometimes there isn't much time to think Quite a few of the serious farm accidents involve tractors.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 6. JOINT MANAGEMENT-EMPLOYEE SAFETY COMMITTEES

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
1. Joint safety committees	Mr Kenneth Anzer, President, U A W, Local 216	Los Angeles, p. 28	Some employers such as General Motors, Southgate, and the Firestone Tire and Rubber Company will not recognize Union Safety Committees That is, those companies do not recognize participation by employees in safety activities We feel that each employee should be thought of as a safety committee of one, and that all employees should be interested in safety We think it would improve the chances of accident reduction if management and employees worked together on joint committees
2. Employer-employee safety committees should be mandatory	Mr W Allen Baker, Communications Workers of America	Fresno, a m , p 32	Men working in manholes should have an assistant Also, we are concerned about the safety of employees working aloft on cable at high elevations. In both cases, I mean when the individual works alone We feel that the Legislature should make it compulsory that employers set up joint employer-employee safety committees These committees should have authority to inspect and to condemn unsafe equipment and unsafe practices Where such committees are in existance, they have been very effective in reducing accident rates. There is nothing in law or the safety codes now that requires anyone to be in attendance when a man is working on a platform, up a pole, or working alone underground in a manhole
3. Compulsory employer-employee safety committees	Mr Paul Yochem, International Brotherhood of Electrical Workers, San Francisco	San Francisco, p 27	I would like to see the State of California set up mandatory joint employer-employee safety committees throughout all major industries In some industries they are already compulsory, such as in the mining and logging and sawmill (p 15) activities I think that safety committees should be compulsory in the utilities industries, and in all other major industries
4. Compulsory safety program for employers who don't voluntarily institute a safety program	Mr Delmar Tucker, United Electrical Workers Local 1421	Los Angeles, p 62	There ought to be a mandatory safety program for those few employers who refuse to institute one voluntarily For example, there were some overhead crane operations being conducted close to some high voltage power lines The employer had been told on numerous occasions that this was a dangerous operation, but he continued in doing this He was told that the power lines should be put underground Just a few weeks ago, the crane, while moving some pipes, hit the power line and two men lost their lives

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 6. JOINT MANAGEMENT-EMPLOYEE SAFETY COMMITTEES—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
5. Recommendation 7A	Delegates of the Forest Products Section of the Governor's Sixth Industrial Safety Conference. Indorsed by Assembly Subcommittee on Industrial Safety	Eureka, p 41-42	"That the Division of Industrial Safety continue to operate to joint safety committees by personal contact by safety engineers of the Division with joint safety committees to discuss the results of safety committee inspections, new techniques and methods and special problems."

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 7. MISCELLANEOUS

Suggestions	*Made by*	*Reference in transcript*	*Summary of reasoning*
1. Specifically state what "qualified" means	Mr. Paul Yochem, International Brotherhood of Electrical Workers Local No. 1245	San Francisco, p. 27	We feel that some of the definitions in the Electrical Safety Code are very misleading For example, the term qualified workman now means any employee designated by the employer as qualified We feel that in the electrical industry the term qualified workman should mean a person who has completed his apprenticeship, and has journeyman's status
2. Define qualified workmen	Mr George Reily, Director of Research and Education, International Brotherhood of Electrical Workers, San Francisco	San Francisco, p 40	I would like to call the committee's attention to Section 2604, subparagraph H of the Electrical Safety Orders This is entitled, "Qualified Employees-Standby Workmen " Additional sections with respect to the same problem are 2605, subsection C 3, dealing with the same matter. Nowhere in the *Electrical Safety* Orders is there any definition of what constitutes a qualified workman, and we believe that should be clarified
3. Hire engineers with practical knowledge	Mr Faville, Redwood District Council	Eureka, p. 69	Add two men to the Personnel Oral Examining Board, one from labor and one from management, to help see that engineers chosen for inspection in Forest Products Industries shall be chosen primarily for their engineering and practical knowledge as the consideration of first importance, e g , that they have practical knowledge of lumbering
4. Hire engineers with practical knowledge of forest products	Mr Faville, Redwood District Council	Eureka, p 69	We indorse recommendation number three of the Forest Products Section of the Governor's Industrial Safety *Conference last February It recommends* that the selection of engineers by the Division of Industrial Safety to serve the Forest Products Division be made so that engineering and practical knowledge necessary for the proper safety engineering service in the forest products industry shall be the consideration of first importance.
5. More money for employee in "serious and wilful misconduct"	Mr Jerome Smith, attorney, representing Local 216 of the U. A W.	Los Angeles, p. 26	The additional recovery allowed in "serious and wilful" misconduct cases is not enough In a typical case where medical and hospital cost comes to $2,000, temporary disability, pay $300, and permanent disability rating of 5 percent or $700, the maximum recoverable for misconduct is 50 percent of compensation payments only, or $500, out of which the applicant must pay his attorney and costs. In a recent case in which Local 230 was involved, a number of an employee's teeth were knocked out. The full measure of this extra formula recovery was only $110, and the cost to the employer's insurance carrier was near $2,000

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 7. MISCELLANEOUS—Continued

Suggestion	*Made by*	*Refrrence in transcript*	*Summary of reasoning*
6. Give safety engineers enforcement authority	Assemblyman James L. Holmes, Santa Barbara	Eureka, p. 30	In San Diego, we had the same problem. Even if the safety engineer comes, he can only give a citation. He doesn't have the power to do anything about it at all It was suggested that it should be on the same basis as the Highway Patrol officer enjoys, that a violator could be called into court immediately I think the law has to be changed in several spots in order to take care of the various situations that you have in this particular matter
7. License the logging contractors	Mr Ovid Holmes, Lumber Safety Engineer, stationed in Redding	Eureka, p 96	It might solve some problems if logging contractors were separately licensed. Most of them are now required to have a timber operator's permit, which permit does not necessarily involve them in any discussions on safety There could be a section on the safety orders pertaining to your business in the license examination. This would also provide a more accurate record of those engaged in logging
8. "Serious misconduct"	Mr Jerome Smith, Attorney, representing Local 216 of the U.A.W.	Los Angeles, p. 24 (explanation p. 23-26)	An employer's conduct is "serious and wilful" only when he acts with positive, active, serious, wanton and absolute disregard for possible injury to an employee The violation of safety orders does not alone establish wilful misconduct Such is true only if proof is adducible that the employer knew of the applicable safety order Perhaps amending the Labor Code, Section 5453, to provide "serious misconduct" would provide a solution Then employers who failed to take proper cognizance of safety orders would incur added liability within the area of gross negligence.
9. Safety rules for unloading logging trucks	Mr. Bill Lee, North-Coast Timber Truckers	Eureka, p. 54	In dump unloading into a pond it is required that the unloading cable be tight before the binders on the logs are loosened That doesn't cover any type of unloading with tongs or with a shovel, and we have had three truck drivers killed in this area this spring now by that type of unloading. We think there should be a revision of the safety order to cover these types of unloading
10 Employees operating complex machinery and equipment should be required to get a state certificate showing proficiency	Mr Mark C. Campbell, representing the Engineers	Fresno a.m., p. 20	Employees who operate various types of machinery or equipment should be required to obtain a certificate from a state agency which would show they are capable of operating that particular type of equipment. If they were required to obtain a certificate, it would make them more safety minded, and would have a greater sense of responsibility for proper operation of the equipment.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 7. MISCELLANEOUS—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
11. Allow reduced insurance premiums as a result of maintaining a safety organization (this would be by means of a trade association)	Mr Ovid Holmes, Lumber Safety Engineer, from Redding	Eureka, p. 98	The Furniture Manufacturer's Association of Southern California obtained some revisions in the insurance law which permitted them to form an association, and, providing they had a bona fide and effective safety organization within the organization they were able to secure certain insurance dividend benefits for which they were previously not eligible I think this could be extended to the small businesses in the lumber industry if an association can be formed which meets the Insurance Commissioner's requirements
12. Pass bill similar to AB (1951) 2737	Mr Nate Di Biasi, International Longshoremen's and Warehousemen's Union	Los Angeles, p 36	There is difficulty in the maritime industry in securing enforcement of minimum requirements for adequate lighting, ventilation and safe equipment Part of the difficulty lies in the variety of ownership of dock areas Some are owned by the State or under state jurisdiction, some are owned by railroads and leased, some come under the jurisdiction of cities, and all of these entities usually lease docking facilities to the Pacific Maritime Association, our employer The existing safety orders of the State do not provide an adequate coverage in the maritime industry Neither do the provisions of the labor code Enactment of the Pacific Coast Maritime Safety Code into law would make it enforceable, which now it not always is
13. Put safety programs on TV	Mr. Francis Leach, Division of Industrial Safety	Fresno, p. 3	Perhaps a television program could be put on by the Division of Industrial Safety The police agencies, for example, are doing a good job with programs such as "Dragnet" Perhaps the division could develop a similar program
14. Require boiler manufacturers to have their own inspectors	Assemblyman Ed Gaffney, San Francisco	Fresno p.m , p 38	Since there is a dearth of boiler inspectors in the field, I think that the manufacturers of pressure vessels in California should be compelled to hire their own inspectors to make sure that their product complies with state law If that were done, the inspectors who now go into manufacturing plants could spend that time in field inspection of actual installations of that equipment
15. Increase staff of Division of Labor Law Enforcement	Mr. Reed Garman, District Engineer, Division of Industrial Safety	Fresno p m., p. 5	The Division of Labor Law Enforcement needs more men When we find a case of an unlicensed farm labor contractor, we turn the data over to the Division of Labor Law Enforcement. We find that one of their men has to cover five counties here, and he has a hard time working up these cases and carrying them through the courts.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 7. MISCELLANEOUS—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
16. Tax insurance companies for funds for safety literature	Assemblyman Ed Gaffney, San Francisco	Fresno p m , p 9	The insurance carriers spend some of their income on safety programs, the employment of safety engineers, distribution of safety literature and encouraging safety development in the individual plant Perhaps we could tax the insurance premiums one-fourth of one cent on each dollar, and put that money in a fund for the Industrial Accident Division to hire more engineers as employment expanded In case employment receded, as in the shipyards following World War II, there would be a layoff It might keep the personnel of the division more closely geared to the needs of industry.
17. Make everyone obey the "B" category safety orders	Mr Kenneth Anzer, President, U. A W Local 216, Los Angeles	Los Angeles, p 27-29	There should be some way found to persuade management to obey the "B" orders, even though they are not mandatory The most important thing is to prevent injuries from occurring Then everyone benefits, both employees and management. It ought to be recognized that this is just common sense
18 Allow only qualified drivers to transport workers in vehicles	Mr Ben Thomas, Supervising Engineer, Industrial Indemnity Company	Fresno a m , p 45	This concerns safety in the transportation of farm workers More should be done to insure that the driver of a vehicle is qualified to drive that vehicle You can't distinguish between contractors and owners All drivers should be well qualified. Employers in general accept the current chauffers license as an adequate proof of qualification. It is not an adequate test.
19 Put guards back on exits of company parking lots	Mr. Sidney Felsen, International Association of Machinists, Local No. 720, Los Angeles	Los Angeles, p. 79	On company property at the Douglas Aircraft plant in Torrance we have a parking lot with a capacity of 3,000 automobiles A street runs the whole length of the plant which has six or eight entrances to the parking lot The employees must cross this street to get to the plant. The shift breaks at 3 42 and 3.55. All plant guards are taken off traffic supervision It takes up to 10 minutes for employees just to walk to their cars. There is such a tremendous flow of traffic that it is very dangerous to step off the sidewalk to the street to cross to the parking lot We have asked the company to keep the guards on duty, but they won't.

SUMMARY OF SUGGESTIONS GIVEN TO THE SUBCOMMITTEE ON INDUSTRIAL SAFETY—Continued

SUBTITLE 7. MISCELLANEOUS—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
20. Find some way to reach those vast numbers of people who do not know anything about the Division of Industrial Safety, and their right to call on the Division for help	Mr. Reed Garman, District Engineer, Division of Industrial Safety	Fresno p m., p. 46	Part of my job is to act in liason with all the safety councils which we have, with the extension service, the agricultural extension service and the district attorneys We have to investigate thousands of cases So there is a great deal of liason work, and I think our greatest trouble is to get back and get the knowledge to the people that there is an agency for their service How many of them, no matter how much you talk, how many of them still do not know anything about the Division of Industrial Safety and their right to call on them.
21. Increase eye safety	Dr. Harold Gates, American Society of Safety Engineers	San Francisco, p 31	I would like to see this Assembly committee create a committee composed of optometrists, opthalmologists, safety directors and optometric manufacturers, to get together and develop some worthwhile suggestions that this committee can use to further qualify Article 7 of the State Safety Code Particulary, I think that lenses made of safety glass good enough to qualify as such under U S Department of Commerce standards should be so marked, preferably with the words "safety" engraved in the frame Modern safety glass is so handsome it is often impossible to tell whether eyeglasses are safety glass or not from the appearance State law forbids a nonlicensed person to adjust or mutilate prescription lenses, and many safety directors are sometimes unknowingly handling prescription glasses, and not knowing whether they are prescription or not, because they are not marked. Accidents can happen because a set of bifocals or trifocals or astigmatic lenses are improperly aligned. A person's depth perception, the judgment of distance, is affected, and I think this should be clarified in the State Safety Orders
22. Educate, train and teach people to do the job the right way	Mr. Jack Hatton, Chief Safety Engineer, Lockheed Aircraft Corporation, Member State Industrial Safety Board	Los Angeles, p. 71	Most accidents are not caused by unsafe physical conditions Most accidents are caused by unsafe or wrong actions. I have investigated hundreds of accidents Almost invariably we find upon careful investigation of the accident that somewhere in the sequence of events leading up to and culminating in the accident, somebody does something wrong There is a right way and a wrong way to do every job I don't care what it is If we continue to do it wrong, it is only a matter of time until an accident happens. As I see it, we have got to do a better job of teaching and training our people to eliminate these mistakes in operation which get them into trouble

APPENDIX C

SAFETY ORDERS SOLD BY THE STATE PRINTER 1954 and 1955

STATE OF CALIFORNIA PRINTING DIVISION
SACRAMENTO 14, September 5, 1956

HON. WALLACE D. HENDERSON
3643 Kerckhoff Avenue
Fresno, California

DEAR MR. HENDERSON: This will acknowledge your letter of August 31, 1956, requesting information concerning sales made by our Documents Section of the various industrial safety order pamphlets.

We have abstracted the following information from our records and trust that it will serve your purpose:

	1955	*1956 (first half)*
Air Pressure Tank Safety Orders	530	120
Boiler Safety Orders	534	328
Compressed Air Safety Orders	80	92
Construction, Trench Safety Orders	1,080	1,389
Electrical Safety Orders	6,120	4,085
Elevator Safety Orders	465	285
General Industry Safety Orders	4,595	2,155
Liquefied Petroleum Safety Orders	805	636
Logging and Sawmill Safety Orders	556	612
Mine Bell Signals	58	32
Mine Safety Orders	273	198
Orders for Underground Men	35	20
Painting Safety Orders	424	526
Petroleum Safety Orders, Drilling and Production	295	157
Petroleum Safety Orders, Refining and Transportation	488	198
Pneumatic Explosives and Quarry Safety Orders	328	132
Ship and Boat Building Safety Orders	52	195
Tunnel Safety Orders	763	132
Window Cleaning Safety Orders	157	96
Title 8, Safety Orders	25	3

The only other distribution made by us is under the provisions of the Library Distribution Act whenever a revised edition is published.

Cordially yours,

PAUL E. GALLAGHER, State Printer

APPENDIX D

DETAILED ANALYSIS OF ACCIDENTS IN THE CALIFORNIA LUMBER AND WOOD PRODUCTS INDUSTRY IN 1955

The trend in the work injury rate for California's lumber and wood products industry has been generally downward in recent years.

In 1950 the Division of Labor Statistics and Research recorded 74.9 disabling on-the-job injuries per million man-hours worked in the lumber and wood products industry. In 1955 the frequency rate was 61.9 disabling injuries per million man-hours, which was 17 percent under the 1950 rate.

If the frequency rate had remained at the 1950 level, 45,500 workers in the California lumber and wood products industry would have suffered lost-time injuries during the five-year period instead of the 39,000 who were injured. Thus, one may say that the active safety efforts which reduced the industry's frequency rate saved 6,500 lumber workers from serious injury during the last five years.

Lost-time injuries reported in California during 1955 totaled 146,092 for all industries combined. Of this number, 8,084 were sustained in the lumber and wood products industry. This represented an increase of 16 percent above the 6,977 injuries recorded in the lumber industry during 1954. Employment in the industry rose 11½ percent during the same period.

Seventy-one of the injuries recorded in California lumber and wood products manufacture in 1955 resulted in death. This compares with 63 work fatalities reported in 1954 and 65 in 1953.

Despite the progress which has been registered, the lumber industry continues to be one of California's high-rate industries. Only one industry—metal mining—had a higher work injury rate in 1955.

Disabling work injury rates for 1955 in a number of California industries having rates above the average for all California industries combined are shown below:

Industry	*Disabling injuries per 1,000 workers*
Metal mining	162.1
Lumber and Wood Products Manufacture	128.1
Building contractors	98.4
Crude petroleum and natural gas production	75.2
Food and kindred products manufacture	53.1
Agriculture	49.5
Average—all California industries combined	34.8

As the above table indicates, the work injury rate for the lumber and wood products industry in 1955 was more than 3½ times the average rate for all California industries combined.

TABLE 1

ESTIMATED FREQUENCY RATES, LUMBER AND WOOD PRODUCTS INDUSTRY CALIFORNIA, 1950-55

Year	Estimated man-hours	Disabling work injuries	Estimated frequency rate
1950	106,993,000	8,017	74 9
1951	120,926,000	8,602	71 1
1952	119,783,000	8,055	67 2
1953	118,784,000	7,134	60 1
1954	115,373,000	6,977	60 5
1955	130,592,000	8,084	61 9

TABLE 2

DISABLING WORK INJURIES AND FATALITIES, FOREST PRODUCTS INDUSTRIES CALIFORNIA, 1954 AND 1955

	1954	1955
Disabling work injuries		
Logging	2,419	2,839
Sawmills	2,628	3,066
Planing mills	601	606
Millwork (sash and door)	408	493
Plywood and veneer plants	352	476
Box factories	318	333
Cooperage	32	33
Miscellaneous wood products	219	238
Total lumber and wood products	6,977	8,084
Furniture factories	432	538
Cabinet and fixture shops	342	392
Contract log and lumber hauling	55	80
Lumber and building-material dealers	1,553	1,785
Total forest products	9,359	10 879
Fatalities		
Logging	48	55
Sawmills	12	11
Planing mills	—	2
Millwork (sash and door)	—	—
Plywood and veneer plants	—	1
Box factories	1	1
Cooperage	—	—
Miscellaneous wood products	2	1
Total lumber and wood products	63	71
Furniture factories	1	2
Cabinet and fixture shops	—	—
Contract log and lumber hauling	3	2
Lumber and building-material dealers	6	7
Total forest products	73	82

TABLE 3

DISABLING WORK INJURIES IN FOREST PRODUCTS INDUSTRIES, BY AGENCY INVOLVED
CALIFORNIA, 1955

Industry	Total	Machines	Hoisting apparatus, conveyors, elevators	Vehicles	Hand tools	Chemicals, hot, injurious substances	Working surfaces	Containers	Trees, logs, lumber	Other or not reported
Total	10,879	1,687	977	1,136	1,163	198	1,535	287	2,115	1,451
Logging	2,839	10	365	506	566	45	356	17	742	232
Sawmills	3,066	553	145	182	248	56	431	19	796	336
Planing mills	606	164	60	32	27	7	79	6	173	58
Millwork (sash and door)	493	178	10	27	23	7	53	26	94	75
Plywood and veneer plants	476	91	14	32	48	14	73	8	108	58
Box factories	333	119	7	20	21	1	35	25	51	48
Cooperage	33	5	1	1	3	5	2	9	5	2
Miscellaneous wood products	238	67	5	23	18	4	27	12	28	54
Furniture factories	538	191	2	21	50	17	63	20	35	139
Cabinet and fixture shops	392	180	----------	13	33	2	37	8	40	79
Contract log and lumber hauling	80	2	2	22	10	1	13	----------	13	17
Lumber and building-material dealers	1,785	127	36	257	116	36	366	137	357	353

TABLE 4

DISABLING WORK INJURIES IN FOREST PRODUCTS INDUSTRIES, BY ACCIDENT TYPE CALIFORNIA, 1955

Industry	Total	Struck by or striking against	Caught in or between	Fall or slip	Accident involving moving motor vehicle	Strain or overexertion	Contact with temperature extreme	Inhalation, absorption, swallowing	Foreign substance in eye	Other or not reported
Total	10,879	3,783	1,596	1,953	651	1,990	107	145	446	205
Logging	2,839	1,225	182	601	362	239	24	39	105	62
Sawmills	3,066	1,066	472	514	80	626	40	42	136	60
Planing mills	606	198	125	87	17	141	3	4	23	8
Millwork (sash and door)	493	156	135	55	8	105	2	6	20	6
Plywood and veneer plants	476	143	64	91	14	106	11	8	29	10
Box factories	333	102	97	39	5	65	1	3	17	4
Cooperage	33	12	6	2		7	1	3	2	
Miscellaneous wood products	238	68	61	31	3	53	1	3	10	8
Furniture factories	538	170	142	63	4	110	5	12	21	11
Cabinet and fixture shops	302	116	160	38	3	56		2	12	5
Contract log and lumber hauling	80	14	3	19	19	14	1	1	7	2
Lumber and building-material dealers	1,785	513	149	383	139	468	18	22	64	29

The data in Appendix D were given to the Committee on Industrial Reations by Miss Jean Cohen, Division of Labor Statistics and Research at the hearings in Eureka on June 26, 1956

APPENDIX E

SUMMARY OF THE LYNWOOD PLAN

CITY OF LYNWOOD, CALIFORNIA
Sepember 12, 1956

MR WALLACE D. HENDERSON, *Chairman*
Assembly Commitee on Industrial Relations
Sacramento 14, California

DEAR MR. HENDERSON: Your letter of August 16, 1956, addressed to Mr. A. J. Bateman, City Manager, Lynwood, California, has been referred to me for answering.

I am sorry that the enclosed information had not reached you by the time you held your public hearing in Los Angeles. The information you seek in regard to the youth employment agency of the City of Lynwood has been told by John Herter, 1955 business manager of the agency. His report is enclosed.

I hope that it will help you. If you feel you need any further information, please feel free to call upon me.

Sincerely yours,

A. J. ROBLES, Director
Recreation Department

THE YOUTH EMPLOYMENT STORY

The original idea of youth employment began in one of the school orientation classes. It was first recognized by the students as one of the problems of teen-agers, that of finding a job. The discussion spread throughout all of the high school's orientation classes and they took polls of how many students would be interested in delving further into the project of youth employment. The idea of youth setting up their own facilities for coping with this problem immediately caught on among the students and faculty. Many teachers, counselors and advisors immediately recognized the earnest desire in behalf of students to take action on some kind of employment program. The youth felt the first step to be taken would be a poll of all the business houses in our community to see if they felt they could use or would use such a program. Questionnaires were sent out asking such as what hours they could use part-time help, what they felt a fair wage, and various other questions. The reply being almost 100 percent in favor of such a project, inspired the Youth Coordinating Council to adopt the youth employment program as a project. Adult advisors were obtained and a campaign for funds began and soon Lynwood was on its way to having one of the most uniquely successful youth employment agencies in Southern California.

Once the campaign was under way and the community noticed how sincere the youth were in creating a youth employment service, they all joined hands to give their support. Many hundreds of dollars were

donated by the Lynwood Police Department, service clubs, and interested business men. Our first youth employment agency was located in an unused part of the jail building of the former police department. Now it is located in the Lynwood Unified School District Administration Building. The schools are furnishing now not only space and desks, but free use of telephone and office supplies.

A major feature of the Lynwood agency is that it is entirely run by youth. It is now financially sponsored by the Lynwood Kiwanis Club and the Youth Coordinating Council. A board of adult advisors help in the over-all program. The office work is handled entirely by the youth. This includes keeping books, handling funds, seeking jobs, taking applicants, handling all correspondence, and handling all publicity.

Lynwood is proud of its agency and the record which it has behind it. In 1955, 53.6 percent of all applicants were placed in either part-time or full-time work. There were 523 applicants and 299 jobs filled. The applicants were between the ages of 13 and 19 years and were placed in jobs covering everything from mowing lawns to secretarial work.

The agency has received state and nation-wide acclaim as an example of a community working together. The policy of the agency has been to help other communities set up similar types of projects which has taken us to many areas in Southern California.

The youth employment story was told in Sacramento by Mrs. Boss and John Hurter, 1955 business manager of the agency.

This is a brief, but comprehensive look at the Youth Employment Project in Lynwood.

(Signed) JOHN HURTER

APPENDIX F

DATA ON PLACEMENTS, YOUTH EMPLOYMENT PROGRAMS IN SOUTHERN CALIFORNIA DURING THE SUMMER OF 1956

June 1-August 31, 1956

City	Placements	Applications	Number of programs
Alhambra	----	----	--
Bishop	----	----	--
Burbank	109	336	1
Compton	553	1,000	3
Culver City	68	358	1
East Los Angeles	27	130	1
El Centro	125	300	1
El Monte	75	200	1
Escondido	704	1,100	2
Fullerton	----	----	--
Glendale	621	800	1
Hollywood	165	500	2
Huntington Park	800	1,000	1
Indio	----	----	--
Inglewood	587	2,200	1
Lancaster	----	----	--
Long Beach	500	1,200	1
Los Angeles Comm	78	150	1
Los Angeles Apparel	----	----	--
Los Angeles Farm	----	----	--
Los Angeles Ind and Cas	----	----	--
Los Angeles Interstate	----	----	--
Los Angeles Service	----	----	--
Monrovia	20	100	1
Oceanside	60	115	1
Ontario	87	200	1
Pasadena	125	250	1
Pomona	68	158	1
Riverside	9	225	1
San Bernardino	600	2,000	3
San Diego	2,075	5,200	9
San Fernando	----	----	1
San Luis Obispo	150	450	1
San Pedro	30	450	1
Santa Ana	377	550	1
Santa Barbara	175	250	1
Santa Maria	35	100	1
Santa Monica	----	----	--
Torrance	354	750	3
Van Nuys	500	1,400	3
Ventura	75	150	1
Whittier	----	----	--
Wilmington	----	----	--
Total	9,054	21,706	48

This information was furnished to the Committee on Industrial Relations at the Hearing on Teenage Employment in Los Angeles on September 7, 1956, by Mr Harry Stewart, Director, Department of Employment.

APPENDIX G

SUMMARY OF THE SUGGESTIONS MADE TO THE COMMITTEE ON INDUSTRIAL RELATIONS CONCERNING TEENAGE EMPLOYMENT

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
1. Develop some farm trainee program for young urban residents	Mr. Robert E Hanley, C F.B.F.	Fresno, p. 51	Perhaps we might build something along the line of our foreign trainee program in agriculture, where young people are brought from foreign countries and they are placed on farms in California, and all of the United States for that matter I hope that something along the lines of the farm trainee program could be worked out for young city people
2. Allow children under 16 to work in agriculture during school hours when an emergency such as unusual weather threatens the harvest of perishable crops (Emergency to be determined by the State, not the Nation)	Mr Robert E Hanley, C.F B.F.	Fresno, p. 42	In order to allow children to work in agriculture when there is an emergency in the state, but one which would not be national in scope, our 1955 Annual Convention adopted this resolution "We recommend that all necessary changes in the laws of the State of California be made to enable school children to work in agriculture during periods of emergency, such as unusual weather or other conditions during the harvesting of perishable crops."
3 Ask that the Fair Labor Standards Act be amended or reinterpreted so that children under 16 may be employed in agriculture during school hours when State law does not require their attendance in school	Mr. Robert E. Hanley, C.F.B.F.	Fresno, p. 42	The thinking of the California Farm Bureau on this point was outlined in the resolution adopted by our House of Delegates at the 1955 Annual meeting "The child labor provisions of the Fair Labor Standards Act as interpreted made it illegal to employ children under 16 years of age in the handling of agricultural commodities classed as moving in interstate commerce while the school in the district where they are living is in session, even though the school which they customarily attend and to which they intend to return is not in session We recommend that the Fair Labor Standards Act be amended or re-interpreted so that it will not be illegal to employ children in agriculture whenever the applicable state law does not require their attendance in school"
4 Allow boys over 14 to drive tractors of the smaller sizes, such as the "Farmall"	Mr. Charles E Gibbs, Executive Secretary, Associated Farmers of California, Inc	Sacramento, p 85	You prohibit children working on machines I see no reason why a a good farm boy couldn't run a small tractor or "Farmall," something of that kind Certainly, he hasn't the hazards of the boy that drives a motor vehicle on the streets, and I can't see why a 14 or 15-year-old boy should be prohibited from running a walnut shaking machine, or something of that kind.

SUMMARY OF THE SUGGESTIONS MADE TO THE COMMITTEE ON INDUSTRIAL RELATIONS CONCERNING TEENAGE EMPLOYMENT—Continued

	Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
5	Allow boys 14 to 16 to deliver packages from a motor vehicle	Mr. Charles E Gibbs, Executive Secretary, Associated Farmers of California, Inc	Sacramento, p 85	You have a prohibition of allowing children to operate a motor vehicle in work, and yet you allow in your Vehicle Code with the consent of parents, a child can run an automobile in the rural districts at the age of 14 You also disallow children from delivering packages from a motor vehicle When I was a youngster I delivered groceries from a horse and wagon, and I think children between 14 and 16 could be allowed to deliver packages from a motor vehicle
6.	Change school term to be in accord with harvesting season. e g , start after harvest	Mr Charles E Gibbs, Executive Secretary, Associated Farmers of California, Inc.	Sacramento, p. 83	It would seem to me that in order to give full employment of these youngsters that maybe perhaps the school term could be changed in accordance with the harvesting period, as most of the youngsters get out of school before we start really in harvesting, and they go back to school before the peak arises
7.	Change Federal Law to permit children under 16 to work longer than 10 days after school opens in the district they are working in	Mr Charles E. Gibbs, Executive Secretary, Associated Farmers of California, Inc.	Sacramento, p. 84	The Child Labor provisions of the Fair Labor Standards Act, as interpreted, make it illegal to employ children under 16 years of age in the handling of agricultural commodities classed as moving in interstate commerce, while the school district they are living in is in session, even though the school which they customarily attend, and to which they intend to return is out of session. Now we intended to try and get the act changed, but we ran into the fact that if we did, we would conflict with the Labor Code, section 1394b, and the Education Code, especially that Section 16651, which says that a child living in a district ten days during the school session is considered eligible to go to school So that although a child we'll say in Gilroy picking tomatoes intends to go back to school in Los Angeles where they live, if the school takes up in Gilroy, in ten days they have to go to the Gilroy school, or quit work. Under state law those under 16 may now work at agricultural, horticultural, viticultural or domestic labor during other than school hours when the work performed is for or under the control of the parent or guardian of the minor, and is performed upon or in connection with premises owned, operated or controlled by the parent or guardian.

SUMMARY OF THE SUGGESTIONS MADE TO THE COMMITTEE ON INDUSTRIAL RELATIONS CONCERNING TEENAGE EMPLOYMENT—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
8. 16- and 17-year-olds could be permitted to work near clamp trucks, belts and other moving machinery	Mr Grant Merril, Grower, Grant Merrill Orchards, Red Bluff	Sacramento, p. 60	"We can't use anyone below 18 years old in the shed because there is machinery there I think this makes it impossible to have those aged 15 through 17 around, as there are clamp trucks, belts and other machinery I don't think we want to use them below 16, but between 16 and 18 we could use them if those in best authority think it safe to use them where there is machinery "
9 Eliminate limitations on hours per week for 16 and 17-year-olds (but not over 72 hours a week—6 days)	Mr David O. Nathan, Chairman, Employer, Employee Relations Committee, California Grape and Tree Fruit League	Sacramento, p. 54	"The experience of many packer members of the California Grape and Tree has proven that teenage boys and girls in the 16-17-year age group are physically capable of doing the same as older persons and with less fatigue As the situation now stands because of a labor shortage in our packing houses, workers 18 years of age and over are required to work longer hours with consequent over-fatigue and a let down of efficiency. Therefore, employment of the 16-17-year-old boys and girls under liberalized restrictions would spread the work and result in benefit for all concerned " "It would, therefore, seem that if boys and girls in the 16- and 17-year age group were given the same privilege with respect to overtime hours as that given women workers in industries handling farm products after harvest a large segment of this group could be given gainful employment during the summer months." "To overcome any objection with respect to the physical capabilities of this teen-age group working in excess of eight hours per day, it is suggested that doctors' certificates be obtained and presented to a prospective employer, together with the required 'Vacation Work Permit.' "
10. Let teenagers work 10 hours per day and 60 hours per week but limit 15-year-olds to 40 hours a week and 10 hours a day	Mr. L. R. Hart, Manager, Sebastopol Fruit Growers Association	Sacramento, p. 58	"I think the whole setup for teen-age employment as it now stands in California should be revised and that both boys and girls reaching the age of 16 should be permitted to work in the fruit packing houses and the various fruit jobs along with the regular crews and time schedules and that 15-year-olds should be able to work at least 40 hours a week and 10 hours a day " (p 57) "We can only use a very limited number of teenagers under the present setup, but if the time was extended so they could work 10 hours a day and six days a week, a number of the teenagers could be employed."

SUMMARY OF THE SUGGESTIONS MADE TO THE COMMITTEE ON INDUSTRIAL RELATIONS CONCERNING TEENAGE EMPLOYMENT—Continued

Suggestions	*Made by*	*Reference in transcript*	*Summary of reasoning*
11. Permit a higher proportion of 16- and 17-year-olds to work at lower wages—Industrial Welfare Commission Order No. 8-52 restricts employment (canneries and packing sheds) of such persons without experience to 10 percent	Mr David O Nathan, Chairman, Employer, Employee Relations Committee, California Grape and Tree Fruit League	Sacramento, p 55	"To implement the employment opportunities for boys and girls in the 16-17 age group, consideration should also be given to the liberalization of the restriction on the employment of inexperienced workers at lesser rates. Industrial Welfare Commission Order No 8-52 restricts the employment of inexperienced minors and women to 10 percent of a total crew This will not permit the employment of enough mid-teen boys and girls to make practical any relaxation in the overtime restrictions "
12. Let teenagers fill the jobs that are now filled by importing Mexican Nationals	Mr Vern Cannon, Joint Council of Teamsters, No 38 California Teamsters	Fresno, p 100	We need an official procedure that will eliminate the practice of employing Mexican Nationals and employing illegal "wet backs" in jobs that should be filled by American labor. We believe that teenagers could fill these jobs in many instances The Joint Council of Teamsters No 38 will join with full vigor in any program devised by the State of California to assist the Youth of the state, providing that program does not abrogate the rights of our union members and/or interfere with the welfare of their families.
13. Ask State Personnel Board to allow employment of high school students (non-graduates) during summer in clerical and typing jobs	Mr Charles V Dick, Chief, Division of Plant Industry, Department of Agriculture	Sacramento, p 79	The State Department of Agriculture frequently encounters a shortage of clerical personnel in various areas in the summertime Just recently we were in need of 13 typists in our Bakersfield office for our shipping farm inspection service High school students who are available cannot be employed because of the requirement they be high school graduates in order to qualify for clerical jobs. If the Personnel Board could arrange for high school students who have sufficient training in typing and other clerical work to be employed on a provisional basis, it might alleviate some of the clerical recruitment difficulties during the summer months. We also think any such exception ought to include provisions to see to it that it did not freeze out the people who are regularly engaged in that kind of work.

SUMMARY OF THE SUGGESTIONS MADE TO THE COMMITTEE ON INDUSTRIAL RELATIONS CONCERNING TEENAGE EMPLOYMENT—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
14. Get Federal Government to allow unemancipated minor to keep more than $15 of his earnings	Mr Leon Lefson, Employment Consultant, Department of Social Welfare	Sacramento, p. 20	Our experience indicates that this policy needs revision because it does not appear to be realistic, and it is difficult to stimulate, to encourage youngsters to go to work when they are only permitted to keep this very small amount of money, and so we are now working on a revision of that policy (In letter dated September 7, 1956, Mr Wyman, Director, Department of Social Welfare said that the latest report on Aid to Needy Children family budgets which was for October 1955, showed that 400 families have income from "net earnings of minors in the home") There are about 31,000 teenagers, years 13 through 17 in the Aid to Needy Children Program.
15. Be careful about changing any personnel board ruling on job specification —may change compensation insurance rates	Mr Pierce H Fazel, Chief Administrative Analyst, Division of Organization and Cost Control, Department of Finance	Sacramento, p 128	The State Personnel Board would have to look into the question very carefully of reducing the age limit and changing the specifications on any jobs, because there are quite a few factors that are related to that, such as workmen's compensation, and the rates that we pay for workmen's compensation, and the salary rates for the jobs
16 Set up joint committees of unions and employers	Mr Stephen Gilligan, Secretary to the Teamsters Joint Council No 7	Sacramento, p 68	I have cited just a few of our local unions who permit teenage boys and girls to work during their school vacation It must be noted that due to their age, they would not fit into all jobs, but where they do, this joint council has encouraged and endorsed the employment of boys and girls during school vacation. We feel that as a result of this productive activity, we make better citizens, better future employees and very definitely reduces the possibility of juvenile delinquency You may assure the legislative committee and any other departments of State Government that they can count on our complete cooperation, either through the establishment of joint committees with the employers and/or interested and responsible departments, so long as it is understood that we have definite obligations to our adult members and will not abrogate their rights
17. Exempt teenagers on temporary summer employment from joining labor unions	Mr Charles E Gibbs, Executive Secretary, Associated Farmers of California, Inc.	Sacramento, p. 86	There was a bill put in by one of the assemblymen in the 1953 Session of the Legislature to exempt teenagers on temporary work from joining labor unions I mean to include summer work as temporary I worked in the packing sheds when I was a boy, loading cars and so forth; now the youngsters have to pay $50 to join the union in the melon sheds in the Mendota district

SUMMARY OF THE SUGGESTIONS MADE TO THE COMMITTEE ON INDUSTRIAL RELATIONS CONCERNING TEENAGE EMPLOYMENT—Continued

Suggestions	*Made by*	*Reference in transcript*	*Summary of reasoning*
18. Get unions to charge reduced dues for teenagers in summer employment	Assemblyman James L. Holmes, Santa Barbara	Sacramento, p. 69	A problem for many teenagers who work full time during the summer only is that it is rather hard on them to pay the full union initiation fee, and full membership dues Perhaps the unions could be encouraged to extend the practice now prevalent in some locals of allowing teenagers to become members at reduced rates on summer jobs, and giving them withdrawal cards so that they don't have to pay the initiation fee again the following year.
19. Work out some system to provide better distribution of current labor laws	Mr Charles E Gibbs, Executive Secretary, Associated Farmers of California, Inc.	Sacramento, p. 88	Many farmers hesitate to employ teenagers, even those who are not legally barred from working because the farmers fear they might be breaking the child labor laws. If some means could be found of making the laws more clear, perhaps better distribution of the Department of Industrial Welfare pamphlets, it might help give more job opportunities to teenagers
20. The Division of Labor Law Enforcement might put out *simple* pamphlet summarizing the high spots of the legal paragraphs on child labor	Mrs Roxanne Oliver, Division of Labor Law Enforcement	Fresno, p 134	We have a digest of child labor laws, but it is about eight pages long, and it is rather heavy reading We have tried to simplify it as much as we could, but it is rather negatively phrased Perhaps we could put out a very simple leaflet aimed at employers and very briefly tell them what they can do, just sort of hit the high spots
21. The State might take a census of job opportunities for Youth	Mr. A Lamont Smith, Executive Officer, State Board of Corrections	Fresno, p 151	Perhaps the State could take a job census of Youth, and hire young people to do the actual work. It would help to get full and accurate data When we do not differentiate between a placement for a window washing job or whether the employment is at least 10 hours a week for the whole summer, we accumulate some rather meaningless statistical data A census would reveal just how many youths seeking jobs have been forced to get along without them
22. Provide some staff to do the work, whatever state department you rely on for policy direction (Commission of Youth Guidance)	Mr. A. Lamont Smith, Executive Officer, State Board of Corrections	Fresno, p. 152	Whatever is decided upon with respect to policy, it is urgent that the Legislature provide some staff to do the work.
23. The Legislature should create some jobs through a "make-work" program	Judge Leonard Meyers, Municipal Court, Fresno	Fresno, p 34	I believe in some measure of a "make-work" program, but I cannot make a specific recommendation as to how this could best be done Still, I have a personal feeling that there is a great possibility for the Legislature to open jobs for teenagers in our State Park system, especially in the summertime.

SUMMARY OF THE SUGGESTIONS MADE TO THE COMMITTEE ON INDUSTRIAL RELATIONS CONCERNING TEENAGE EMPLOYMENT—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
24. Employ teenage boys to clear away brush and debris on banks of streams and lakes (New program, hence, no conflict)	Mr Kirk MacBride, Legislative Representative, California State Grange, also representing the Associated Sportsmen of California	Sacramento, p 80	Our committee has discussed this possibility, that of employing teenagers, boys, to clear away banks on fishing streams and lakes during the summer The Department of Fish and Game has a project called the Warm Water Fish Access Program under the direction of Mr Everett Horn The Legislature has appropriated approximately $700,000 a year to develop places for warm water fishing Our thought was that teenagers could be employed during the summer to clear away these spots on the streams and on the lakes for bank fishing It is something that is brand new, hence the jobs would not be in conflict with anybody else
25. Re-enact the C C C program on the state level to take care of the 16- and 17-year-old youngsters who are out of school and have no work	Mr. Lloyd Stagner, Chief, Probation Officer, Fresno County	Fresno, p 125	This idea is shared by other probation officers in the northern part of the State Mr Buckley of Alameda County proposed it at one meeting. The State should re-enact the C C C program on the state level It should provide jobs for the 16- and 17-year-old youngsters who are out of school, and who have no work Perhaps the Federal Government could help There are federal lands that need care If our office had the chance, we would be willing to send our boys to such camps as the State might establish
26. Create a state version of the Civilian Conservation Corps	Mr John Swanson, Personnel Officer, Department of Natural Resources	Sacramento, p 137	Since our experience as well as that of industry seems to indicate that the 16-, 17- and 18-year-olds have less to offer as productive employees than *older, more mature persons,* our administrators see little left other than to create jobs of some sort, or work of some sort This leads to the possibility of considering the development of a state version of the Civilian Conservation Corps, perhaps Such an activity would require financing by the State and development of camp sites and providing supervision It could be partly a learning experience and for the greater part, a work experience in which the young people would be doing land improvement on wild lands of the State
27 Pass the Workreation Bill A B No 662	Judge Leonard Meyers, Municipal Court, Fresno	Fresno, p 35	I approve of the bill, Assembly Bill No 662, that is now before the Assembly Committee on Finance and Insurance This is the one that sets forth the "Workreation" program.

SUMMARY OF THE SUGGESTIONS MADE TO THE COMMITTEE ON INDUSTRIAL RELATIONS CONCERNING TEENAGE EMPLOYMENT—Continued

	Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
28	Expand the present student-interne program in many of the state agencies	Mr A. Lamont Smith, Executive Officer, State Board of Corrections	Fresno, p 149	If we could expand the present student-interne program, we might get many more youths involved in the state departments locally We are using part-time student assistants in the Department of Corrections. Such a student-interne program could be applied on a much wider basis
29.	Bring state law up to federal standard by raising the age from 16 to 18 before a youngster can enter a hazardous or immoral occupation	Mr. Ed Park, Chief, Division of Labor Law Enforcement	Sacramento, p 93	We feel that our laws could be brought up to federal standards I think it would be an improvement and it would also help cut down accidents The use of farm tractors is actually pretty dangerous From way through October, 1953, there were 285 accidents involving children using tractors, 90 of them died These figures are for the whole U S So, I think the State should raise the age from 16 to 18 at which time youngsters would be allowed to enter either hazardous or immoral occupations Today the State bans such activities only until they are 16
30.	Control hiring of young people by magazine companies, to make sure there is an employer-employee relationship with employer liability	Mr Ed Park, Labor Law Commissioner	Sacramento, p 98	Here is a letter from the Paso Robles War Memorial Hospital, addressed to us regarding a Janne Hallan, 1246 Seventh Avenue, East Twin Falls, Idaho "Dear Sir The above named person is a patient in our hospital suffering a broken back as a result of an automobile accident She is one of three patients, all young girls, admitted through our emergency room a few days ago These girls are selling subscriptions to magazines We are somewhat disturbed to find the magazine company with which they are connected, claims it has no responsibility A year or so ago we had a similar instance when an automobile loaded with young people selling magazines under similar circumstances turned over near our community This gives rise to the question of an employer-employee relationship" This problem has come to us three times in the Division of Labor Enforcement, and we think it is a problem that should receive attention from the legislature There is no law now holding either magazine company or local crew boss responsible in case of accident or injury to anyone We brought suit in a case in Bakersfield against a crew boss but the judge threw the case out of court on the ground there was no employer-employee relationship.

SUMMARY OF THE SUGGESTIONS MADE TO THE COMMITTEE ON INDUSTRIAL RELATIONS CONCERNING TEENAGE EMPLOYMENT—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
31. Farm Advisory Committee on Teenage Employment	Mr Vern Cannon, California Teamsters Union	Los Angeles, p 1	This suggestion was actually made in the form of an endorsement of Governor Knight's suggestion made in his August speech in Long Beach. The Governor's proposal was. "I propose the formation of a Governor's Advisory Committee on Teen-Age Employment, which will work closely with the State Department of Employment, the State Department of Education, and the California Youth Authority on this particular facet of unemployment problems Members of this proposed advisory group will consist of representatives of Organized Labor, Management and the General Public"
32. Increase budget for the Division of Labor Law Enforcement	Mr. Charles E. Gibbs, Executive Secretary, Associated Farmers of California, Inc.	Sacramento, p. 90	The Division of Industrial Welfare and the Division of Labor Law Enforcement are restricted as to their personnel Mr Park's Division has only eight or ten special investigators. They need more people to explain the laws to employers. (It is not entirely clear from the record whether Mr. Gibbs meant to suggest an increase solely for the Division of Labor Law Enforcement or to recommend an increase for the Division of Industrial Welfare also).
33. Set up a Youth Guidance in the executive Dept. and have it supply information and help to the Volunteer Community groups which help to encourage youth employment	Assemblyman James L. Holmes, Santa Barbara	Fresno, p. 75	Perhaps the Governor could appoint a Commission which might be called the Youth Guidance Commission, to sort of assemble all the material that has bearing on youth employment and help these volunteer citizens' committees on youth employment It might help them to do a better job, particularly in the early stages of organizing a Y E. O. or a Y. E S service in the individual city.
34. Give Consultant Service from a State Dept to communities to help them them set up Y E S or Y. E O type agencies in their own area	Mr James York, Department of Youth Authority	Fresno, p 140	When we are talking about employment of the midteen group generally, this is not employment of babysitting and mowing lawns and running errands We have to look for employment that is purposeful, that has some value in helping youth determine what their vocational adjustment is going to be This problem is a community problem and the communities need help from some source, advice, sample techniques, data on how other communities are operating It seems to me this could best be done by giving consultant service from one of the departments of the State of California.
35. Appropriate money for a commission to give local committees of the Y. E. S. type the resources to do a better job, more advertising on drivein screens, theater screens, for example	Mr. Jerry Viele, Chairman, Police Commission, Fresno	Fresno, p. 111	Funds should be provided so that volunteer committees of the Y. E. S. type would not have to operate on such a limited basis. With a little more money, some much better advertising could be obtained, for example, advertisements on drivein and theater screens.

SUMMARY OF THE SUGGESTIONS MADE TO THE COMMITTEE ON INDUSTRIAL RELATIONS CONCERNING TEENAGE EMPLOYMENT—Continued

Suggestion	*Made by*	*Reference in transcript*	*Summary of reasoning*
36. Make a statewide program to provide service to all communities of the type Y E. S provides in Fresno	Mr David Niklaus, President, Fresno High School Student Body	Fresno, p 88	It would be a good thing to make a uniform statewide service similar to the Youth Employment Service in Fresno Then people will learn to depend upon such help throughout the whole state and there will be benefit in other communities
37. Added assistance to Department of Employment to help other communities maintain Y E. S. type programs	Judge Leonard Meyers, Municipal Court, Fresno	Fresno, p 34	While I believe that it is primarily a citizens' job to help teenagers find jobs, I believe that the Legislature can be of great assistance through the Department of Employment. The type of action represented by the Y E S Program in Fresno and the Y E O Program in Sacramento deserves to be expanded and instituted elsewhere
38. Allow youth the opportunity to take a more active part in the Y E S. type program by giving the Department of Employment money to hire a few of them. (Internship Program?)	Mr Willard Marsh, Manager, Fresno Office of the Department of Employment	Fresno, p. 58	Youth itself would like to take a more vital interest in these programs We ask for the volunteer services of youth in our placement work, in our publicity work, in our contacts with employers. It might well be explored whether some money statewide could be used to employ some of these young people merely to work with other young people in conjunction with placement Some of these young people have a talent for working with other young people That might be their summer job, and the community could well gain from such paid service
39. Establish Junior Coordinating Councils	Miss Harriet Erickson, The Bureau of Public Assistance, County of Los Angeles	Los Angeles, p. 5	The purpose of Junior Coordinating Councils would be employment for youths This group would need some guidance in getting started but the teenagers could assume the major responsibility for the project
40. Support the Youth Employment Service	Miss Harriet Erickson, The Bureau of Public Assistance, County of Los Angeles	Los Angeles, p 5	The Youth Employment Service, known as Y. E S was started by a group of teenagers of the North Phoenix High School in Phoenix, Arizona The emphasis of this service is on part-time work, sponsored by an employment agency for kids and by kids It canvassed the city of Phoenix for after school jobs, weekend jobs, all the work no adult employment bureau bothers with, in other words, the teenagers operated a bureau to get themselves jobs It was later sponsored by the Sertoma Club There are 26 Sertoma sponsored Youth Employment Services in operation They could use some help from the state.

APPENDIX H

WORK PERMITS ISSUED IN THE STATE OF CALIFORNIA DURING SCHOOL YEARS 1954-55 AND 1955-56

Vacation and days that schools are not in session		Before and/or after school hours		Full time work and part time school		Total	
Ages 12-17, inc		Ages 14-17, inc		Ages 14-17, inc		Ages 12-17, inc.	
1954-55	1955-56	1954-55	1955-56	1954-55	1955-56	1954-55	1955-56
159,231	184,707 Gain 16%	37,602	45,498 Gain 21%	14,921	16,860 Gain 13%	211,754	247,065 Gain 15%
Enrollment in grades 7-12, inc						797,969	868,213
Percentage of work permits issued compared to enrollment						26 5%	28 5%
Percentages with grade 7-8 enrollment and the 12-13 age group deleted						34 5%	36 6%

Type of Work Involved

We do not classify job placements for youth on the state level but a sample of the types of jobs in which students were placed can be obtained from the following data compiled and estimated from reports from San Diego County including San Diego City for the 1955-56 school year. The figures are approximate in all cases, and it must be noted that the percentages apply only to one county but may be applied generally to the State for your purposes.

	Number employed	*Percentage compared to total number employed*
Agriculture	152	3.7
Aircraft	104	2.5
Auto maintenance apprentice	296	7.0
Beauty culture	8	2
Caddy	16	.4
Cashier	56	1.4
Clerical	160	3 9
Commercial entertainment	201	4 8
Child care and domestic	392	9 3
Manufacturing and construction	120	2.9
Communications	88	2 1
Courtesy boy	136	3 3
Fishing industry	48	1 1
Food services	336	8 0
Gardening and nursery work	120	2 9
Hospital work	32	8
Janitorial	224	5 4
Laborer	72	1 7
Laundry-dry cleaning	80	1.9
Office general	184	4 4
Photographic	16	4
Professional aides	24	5
Sales work	600	14 3
Vocational aides	648	15 4
Youth recreation	72	1.7
Total	4,185	100

I have been told that the Sacramento County Youth Employment Organization previously provided you with a breakdown on the types of jobs secured for some 2,000 youth in the Sacramento area during the past two years.

September 12, 1956
Part of letter received by Assemblyman Henderson from E R. Deering, Consultant, Child Welfare and Attendance, State Department of Education.

APPENDIX I

DISABLING INJURIES[a] TO YOUNG WORKERS, BY AGE AND SEX CALIFORNIA, 1947-55

Year and age group	All disabling injuries			Fatal injuries[b]
	Total	Boys	Girls	
1947 Total under 18 years	2,197	1,858	339	8
Under 14 years	107	94	13	—
14-15	348	258	90	4
16-17	1,742	1,506	236	4
1948 Total under 18 years	1,889	1,673	216	4
Under 14 years	121	106	15	—
14-15	330	290	40	1
16-17	1,438	1,277	161	3
1949 Total under 18 years	1,679	1,480	199	4
Under 14 years	121	110	11	—
14-15	297	270	27	2
16-17	1,261	1,100	161	2
1950 Total under 18 years	1,676	1,518	158	8
Under 14 years	101	91	10	1
14-15	274	253	21	1
16-17	1,301	1,174	127	6
1951 Total under 18 years	2,310	2,108	202	5
Under 14 years	100	92	8	—
14-15	293	268	25	1
16-17	1,917	1,748	169	4
1952 Total under 18 years	2,515	2,260	255	12
Under 14 years	126	116	10	1
14-15	341	315	26	1
16-17	2,048	1,829	219	10
1953 Total under 18 years	2,328	2,081	247	5
Under 14 years	105	94	11	—
14-15	330	294	36	1
16-17	1,893	1,693	200	4
1954 Total under 18 years	1,815	1,632	183	7
Under 14 years	82	69	13	—
14-15	237	220	17	—
16-17	1,496	1,343	153	7
1955 Total under 18 years	2,179	1,943	236	4
Under 14 years	97	83	14	—
14-15	321	285	36	1
16-17	1,761	1,575	186	3

[a] Disability causing absence from work beyond the day of the accident

[b] One girl under 18 years of age was killed in a work accident, 1953. All other minors under 18 who died in on-the-job accidents recorded in 1947-54 were boys

Between 1954 and 1955, the total number of disabling injuries to workers under 18 years of age increased by 20 percent from 1,815 to 2,179.

The number of injuries to minors under 16 years of age increased by 31 percent from 319 in 1954 to 418 in 1955

The number of young workers killed on the job decreased from seven in 1954 to four in 1955.

Data presented to the Committee on Industrial Relations at the hearing in Los Angeles, September 7, 1956, by Mr Edward Park, Chief, Division of Labor Law Enforcement.

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House Resolution No. 216, 1955

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MICHAEL T. WERMEL, Ph.D., *Committee Consultant*

January, 1957

Published by the

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OF THE STATE OF CALIFORNIA

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LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE ON
TRANSPORTATION AND COMMERCE
January 7, 1957

SPEAKER OF THE ASSEMBLY, and
MEMBERS OF THE ASSEMBLY
Assembly Chamber
Sacramento, California

GENTLEMEN: In accordance with the mandate of House Resolution No. 216, Regular Session of the California Legislature, 1955, we have the honor to present a preliminary report describing the work of the committee during 1955-1956 and some of the general conclusions and recommendations reached. A full report containing the findings, conclusions, and recommendations developed in the course of the hearings as a result of studies conducted by this interim committee is now in the course of preparation and will be submitted to the Assembly upon completion.

Respectfully submitted,

L. M. BACKSTRAND, Chairman
EDWARD M. GAFFNEY,
Vice Chairman
FRANK P. BELOTTI
WALTER I. DAHL
CLAYTON A. DILLS
VERNON KILPATRICK
FRANK LANTERMAN
CHARLES W. MEYERS
JOHN O'CONNELL
THOMAS M. REES
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WANDA SANKARY (L.M.B.)
JACK SCHRADE
CHARLES H. WILSON

PRELIMINARY REPORT

INTERIM COMMITTEE ON TRANSPORTATION AND COMMERCE

A. ORGANIZATION OF THE COMMITTEE

The Interim Committee on Transportation and Commerce set itself a five-fold task during the 1955-1957 interim.

1. An examination of the safety and effectiveness of the freeway system.
2. A re-examination and recodification of the Motor Vehicle Code.
3. A study of the regulations and devices designed to promote greater safety on the highways.
4. An examination of the problems of regulating truck weights and load characteristics.
5. A study of motor vehicle exhaust problems, including noise control and the emission of combustion products.

To achieve these ends five separate subcommittees were appointed as follows:

1. Subcommittee on Freeway Traffic Control, L. M. Backstrand, Chairman.
2. Subcommittee on Vehicle Code Recodification, Walter I. Dahl, Chairman.
3. Subcommittee on Safety Regulations and Devices, Edward M. Gaffney, Chairman.
4. Subcommittee on Truck Weights, Load Characteristics and Regulations, Frank P. Belotti, Chairman
5. Subcommittee on Muffler Problems, L. M. Backstrand, Chairman.

To facilitate the work of the subcommittees, advisory committees consisting of citizens prominent in vehicular traffic work were appointed in four of the major areas of study, as follows:

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3. Advisory Committee on Uniform Manual of Traffic Control Devices, Mr. G. P. Parmelee, Chairman, Automobile Club of Southern California.
4. Advisory Committee on Muffler Problems, Inspector D. J. O'Connell, Chairman, California Highway Patrol.

B. ACTIVITY OF THE COMMITTEE

During 1955-1957 the interim committee and its several subcommittees have held 20 hearings in various parts of the State, covering 26 hearing days.

Testimony was taken from approximately 250 witnesses, and 18 volumes of proceedings totaling in excess of 2,000 pages were produced.

The committee was ably assisted by four citizens advisory committees whose members were appointed because of a special interest or experience in the fields they were called upon to study.

These four citizens advisory committees have held a total of 11 meetings and presented their recommendations to the Assembly Interim Committee on Transportation and Commerce.

C. SCOPE OF COMMITTEE INQUIRY

The interim committee and its five subcommittees have considered in the course of the hearings a wide range of subjects and have received numerous suggestions and proposals for improving the effectiveness and safety of vehicular traffic movement.

Among the principal subjects considered were:

1. Recodification of the Motor Vehicle Code.
2. Factors affecting the safety of vehicular traffic movement:
   (a) The driver and his behavior;
   (b) The vehicle and its performance;
   (c) The road—its design and construction;
   (d) The regulation of traffic movement—its effectiveness and coordination.
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   (a) Better driver education and training;
   (b) Improved methods of driver licensing;
   (c) Rewards and punishments for good and bad driving records;
   (d) Uniform licensing of all commercial vehicle drivers based on examination of ability to drive complex vehicles.
4. Improving the safety of the vehicle:
   (a) The pros and cons of compulsory vehicular inspection;
   (b) Special safety features and considerations;
   (c) Noise control.
5. Improving of highway facilities:
   (a) Improvements in design and construction;
   (b) Utilization of accident experience;
   (c) Expediting the construction of freeways.
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   (a) Location of signs;
   (b) Legibility and illumination;
   (c) Uniformity of signs and markings;
   (d) Use of temporary signs and markings.
7. Improving traffic control:
   (a) More and better policing;
   (b) Use of special equipment;

(c) Devices for controlling the flow of traffic;
(d) Coordination of effort in traffic control.

8. The handling of traffic violators:
   (a) Improving traffic court procedures;
   (b) Uniform traffic tickets.
9. Problems of log hauling:
   (a) Load limitations;
   (b) Limits on axle weights;
   (c) Mandatory fines for second offense.
10. Safety problems:
   (a) Inspection of trucks;
   (b) Uniform safety appliances and devices;
   (c) The problem of runaway trucks;
   (d) Uniform enforcement of hours of driving service for commercial drivers.
11. Developing a program of scientific research in the field of vehicular transportation:
   (a) Research on causes of traffic accidents and congestion;
   (b) Research on driver behavior;
   (c) Research in highway design;
   (d) Research in traffic control;
   (e) Coordination of research;
   (f) Providing financial assistance for research.
12. Improving the system of accident reports and statistics:
   (a) Revision of accident reports and forms;
   (b) Analysis of accident statistics;
   (c) Utilization of information from accident reports.
13. Regulation of the automobile dealer industry:
   (a) Licensing of dealers;
   (b) Licensing of salesmen.

D. CONCLUSIONS AND RECOMMENDATIONS

On the basis of the evidence presented to the committee by more than 250 witnesses in the course of the 20 hearings conducted during 1955 and 1956, the recommendations submitted by the four citizens advisory committees appointed to assist this committee in its deliberations and the recommendations received from the Motor Vehicle Advisory Committee as well as research work independently conducted by the committee's staff, the committee reached a number of conclusions. These conclusions and recommendations are presented below:

1. Recodification of the California Motor Vehicle Code

The California vehicle laws were last codified in 1935. During the past 20 years numerous amendments to these laws have been made during each legislative session. In the 1955 Legislative Session alone, there were 200 changes made in the California Motor Vehicle Code.

The committee recognizes the need for an overhaul of the State Vehicle Code and recommends legislation to recodify it.

2. *Encouraging a Program of Short and Long-range Research*

The attention of the committee has been directed to the fact that there are many problem areas in the field of traffic safety and regulation which cannot be solved because of absence of adequate knowledge. Pertinent facts must be developed through a program of research. Such research may be conducted by universities, institutes, departments of state government, foundations, etc. Research programs may include but need not be limited to such subjects as:

(a) Factors responsible for traffic accidents;
(b) Causes of traffic congestion on highways;
(c) Adapting freeway design to rapidly changing volumes of traffic and driving conditions;
(d) Characteristics of individuals involved in accidents;
(e) Behavior patterns and problems in relation to driving;
(f) Studies in the area of traffic control including the use of radar, electronic devices, helicopters, variable lane construction, feasibility of changing speed limits depending on traffic conditions, and similar problems.

The committee feels that promoting basic, competent research in the various areas and aspects of vehicular transportation is a most important objective, and that every reasonable encouragement to such research activities should be provided by the Legislature. The committee recommends that ways and means of providing financial assistance for the purpose of carrying on basic research in vehicular transportation be explored by the Legislature.

3. *Revision of Accident Reports and Forms and Improvement of the System of Accident Statistics*

The committee is impressed with the importance of accident reports and statistics as a source of information for the study of factors responsible for accidents and in the development of accident prevention programs.

The accident report forms currently in use have not been revised for a number of years. Testimony has been presented to the effect that some of the information included in present reports is of no particular value while much information which would be highly useful in promoting traffic safety is not now available.

The desirability of a revision of accident reporting with a view to providing more adequate information for the analysis of accident causes and accident situations has been urged upon the committee.

The committee recognizes the value of data obtained from the accident reports and agrees that the present system of reporting is not of optimum usefulness. The committee accordingly recommends that competent authorities undertake the re-examination of accident reports and statistics and that legislative encouragement be given to such efforts.

4. *Controlling Exhaust Noise and Emissions*

The committee recognizes that a serious problem exists with respect to the muffler noises and exhaust emissions. The present regulatory provisions do not appear to the committee to be adequate for coping

with the existing situation. It is recommended that legislative action be taken to provide improved methods of regulation.

5. Problems of the Log Trucking Industry

The committee heard a large volume of detailed testimony on the subject of the problems encountered by the log hauling industry due to present legal limits placed on the loads which can be transported.

The committee is impressed by the complexity of the economic problems and technical considerations involved in complying with present legal requirements and recognizes that the complex problems which have existed in the industry for some time are not now being solved.

The committee feels that legislative action may be necessary to correct the unsatisfactory situation now existing in the industry.

6. Runaway Trucks

A number of serious accidents caused by runaway trucks occurred on the streets and highways of California during the period while this committee has been conducting its interim studies. These accidents resulted in loss of life and serious damage to property. An important factor in the majority of these accidents has been a faulty braking system or the absence of proper safety control devices on the trucks. However, evidence was presented indicating that by far the most important element is the skill and alertness of the driver.

The committee is concerned with the hazard of runaway trucks and is impressed with the value of inspection and regulation applied to those trucks which are covered by the Interstate Commerce Commission and the Public Utilities Commission. The committee recommends the extension of regulation and inspection practices to all trucks preferably by one authorized body.

7. Regulation of Trucks by the Public Utilities Commission

The committee is impressed with the value of the regulatory and inspection work carried on by the Public Utilities Commission. In the opinion of the committee the staff of inspectors maintained by the Public Utilities Commission is not adequate for the task. The committee, therefore, recommends that the staff of inspectors be increased in order that an adequate job can be done.

8. Uniform Enforcement of Hours of Driving Service for All Commercial Drivers

Evidence was presented to the committee to the effect that driver fatigue is an important factor in many fatal accidents.

While the present law provides a limit on the number of consecutive hours a commercial driver may drive, the committee's attention has been directed to the fact that the present law requires clarification since the present wording is susceptible to various interpretations.

The committee feels that a uniform and rigorous enforcement of hours of driving service for all commercial drivers is a necessary safety measure and recommends the adoption of appropriate legislation.

9. Uniform Examination for All Drivers of Complex Vehicles

Testimony has been presented to the effect that under the present law many individuals are permitted to drive trucks and other complex vehicles with an ordinary driver's license and without a special examination to determine their competence to operate such vehicles.

The committee feels that uniform examinations and licensing for all drivers of trucks and complex vehicles is desirable. Licenses to operate such vehicles should be issued only on the basis of the driver's demonstrated ability to operate such vehicles. The committee therefore recommends the enactment of appropriate legislation.

10. Compulsory Motor Vehicle Inspection

The committee examined a considerable volume of testimony submitted both in support of and in opposition to a program of compulsory motor vehicle inspection. The committee feels that the arguments presented on both sides are not sufficiently conclusive and recommends that the problem of compulsory motor vehicle inspection be made a subject of further study.

11. Safety Devices and Appliances

The committee is concerned with the growing volume of traffic accidents and the urgency of reducing their number and seriousness.

Testimony was presented to the effect that greater traffic safety can be achieved by special requirements with respect to such items as:

(a) Steering wheels;
(b) Door locks;
(c) Rear view mirrors;
(d) Safety belts;
(e) Safety cushioning for all instrument panels and sun visors;
(f) Mirrors on left door;
(g) Tail lights, stop lights, back-up lights;
(h) Hood and headlight ornaments;
(i) Turning signals;
(j) Reflective tape on doors;
(k) Emergency highway flares;
(*l*) Fire extinguishers;
(m) Bumpers.

The committee feels, however, that the evidence presented is not sufficiently conclusive to warrant specific legislative action with respect to individual safety devices and recommends that this subject receive additional study and that each proposal be considered on its merits.

12. Registration of Motor Vehicles

The committee has heard testimony to the effect that there are many problem areas in connection with the administration of the registration of motor vehicles. Illustrative of such problems are:

(a) Maintenance of registration records;
(b) The issuance of various special permits;
(c) Manner of displaying license plates;
(d) The issuance of special plates to dealers and others;
(e) The registration fees to be charged, etc.

The committee recognizes the need for legislative action to solve many of the problems which have developed in the area of registration of motor vehicles and recommends the enactment of appropriate legislation.

13. Improving the General Program of Driver Licensing

The committee examined the current requirements and procedure employed with respect to the licensing of drivers. The committee appreciates that California is in the forefront among the states in the development of modern and progressive driver licensing methods. Nevertheless, the methods presently used cannot be considered entirely adequate to cope with the growing complexity of vehicular traffic movement. The committee is impressed with the weight of scientific testimony to the effect that the driver—his habits, attitudes, skills, qualifications—is by far the most important single factor in causing traffic accidents. The committee feels that a most important contribution to greater traffic safety can be accomplished through improving the behavior of drivers. To this end the committee recommends expansion of driver education and training programs and a strengthening of the driver licensing procedures. The committee also recommends a more vigorous program of enforcement and control designed for drivers who are constant violators or accident repeaters.

14. Design of Highways

The committee is impressed with the advances made by California engineers in designing one of the most efficient and progressive road networks in the world. The committee commends the Department of Public Works, Division of Highways, for the excellent work done in designing and constructing the system of California freeways.

Nevertheless, the committee feels that the rapid growth and expansion of our State presents a constant challenge to a continued effort toward better freeway design. Particularly, there is need for continuing study and research in the area of:

(a) On and off ramps and distribution points;
(b) Placing of emergency telephone facilities on the freeways;
(c) Providing temporary storage facilities for disabled vehicles;
(d) Providing adequate dividers;
(e) A study of parallel streets, and a number of similar problems.

The committee feels that much can be gained from an effective utilization in freeway design of experience developed from a careful analysis of accident statistics and congestion reports and the experience of local traffic control enforcement officials and that the maintenance of fruitful cooperation between the design engineers and the enforcement officials should be encouraged and facilitated.

15. Signs, Signals and Markings

The committee carefully reviewed the situation existing with respect to traffic signs, signals and markings. The function of traffic signs is becoming increasingly important with the growth of the number of vehicles and the expansion of highway mileage including many miles of

multi-lane expressways. The speed and volume of traffic and the complexity of freeway interchanges require signs which must be quickly recognized and understood by the driver at all hours and under all conditions. This puts a special importance on:

(a) Location of signs and directional signals;
(b) Legibility and illumination;
(c) Uniformity of signs, signals, and markings to facilitate ready understanding by the driver.

The committee feels that these considerations apply to:

(1) Warning signs used to caution drivers of the need for added alertness or reduction of speed;
(2) Guide signs designed to supply directional information;
(3) Regulatory signs designed to inform motorists of regulations governing movements.

The committee feels that the state-wide scope of the problem requires that it be treated as far as possible on a uniform state-wide basis.

16. Endowing Local Enforcement Officials With Necessary Authority to Facilitate the Movement of Traffic on Freeways

Testimony has been presented calling the attention of the committee to the fact that at present there is no expressed legal authority for local enforcement officials to regulate certain aspects of freeway traffic movements. Specifically, the attention of the committee has been called to the desirability of granting local enforcement agencies specific authority to.

(a) Prohibit lane changing in high accident frequency locations;
(b) Close on and off ramps for the purpose of controlling traffic volumes during emergency and peak hour congestion periods;
(c) Establish time limits for emergency parking on freeways and freeway rights of way;
(d) To designate the number of hours which vehicles may be left standing on freeway or freeway rights of way and to permit removal of vehicles left standing in excess of the permitted period.

There are a number of other problems in the area of traffic control and enforcement with which local enforcement agencies must necessarily deal and which require specific authority they do not now have.

The committee concluded that the granting of such enabling authority to local enforcement officials is necessary to facilitate the control of freeway traffic and recommends the enactment of appropriate legislation.

17. Coordination of Effort in Freeway Traffic Control

The freeways of California traverse a multiplicity of political jurisdictions. All these jurisdictions are responsible for traffic enforcement. The California Highway Patrol normally does not operate on sectors of state highways located within cities, although it has authority to do so under the present laws. Many of the jurisdictions through which a freeway passes are small and have only limited police resources. Moreover, the sector of the freeway involved may be very short.

Testimony has been presented to the committee to the effect that uniform law enforcement along freeways that pass through both incorporated and unincorporated areas is difficult to achieve as a result of this situation. The committee recognizes the importance of uniform law enforcement on freeways and is cognizant of the special problems experienced by the smaller jurisdictions. The committee feels that coordination of effort among authorities at various levels of government is highly desirable and that cooperative arrangements entered into between local jurisdictions and the California Highway Patrol with respect to traffic patrol and enforcement can be beneficial both to the local jurisdictions and to the State as a whole.

Coordination of effort is also desirable between local police and traffic authorities and the State Division of Highways for control of entrances and exits to on-ramps and off-ramps.

The committee recommends that methods of developing and strengthening such coordination of effort in the area of traffic control should be explored and encouraged.

18. Improving the Flow of Freeway Traffic

Congestion on freeways is a serious cause of accidents. Congestion impedes the free flow of traffic and causes not only loss of life and property but an appalling economic waste.

To minimize congestion and to maximize the smooth flow of traffic is a most important objective of traffic enforcement officials.

Testimony has been presented to the effect that the flow of traffic can be expedited through the use of various traffic control methods and devices such, for example, as:

(a) Graduating the flow of traffic;
(b) Use of variable speed limits;
(c) Use of a special signal system designed to reduce congestion:
(d) Changing the available number of lanes with changes in the direction of traffic flow;
(e) Assignment of certain vehicles to specific lanes;
(f) Instituting special controls and regulations during peak traffic hours. For example:
    1. Providing for interchangeable lane systems.
    2. Excluding maintenance crews.
    3. Excluding certain types of vehicles.
(g) Use of television, electronic and radar devices;
(h) Use of helicopters.

The committee is impressed with the developments in the field of traffic control and recommends legislative action designed to encourage local officials to experiment with the use of new traffic control methods and devices.

19. Increased Policing by California Highway Patrol

The committee is impressed with the testimony presented at its hearings to the effect that the present staff of the California Highway Patrol it not adequate to cope with its increasingly complex duties caused by the rapid expansion in the number of registered vehicles and licensed drivers.

The committee feels that the presence of sufficient numbers of uniformed patrol on the highways is one of the most effective ways of improving driving behavior and reducing the number of accidents and recommends legislative action designed to increase the number of men available for highway patrol duty.

20. Authorized Emergency Vehicles

Testimony has been presented to the effect that a number of different vehicles are now classified as "emergency" which means that many are equipped with sirens and red lights.

The committee is impresesd with the fact that the usefulnees of the designation "Emergency Vehicle" diminishes as the number of vehicles enjoying such designation increases. Moreover the need for sirens and red lights should be limited to a rather small number of official vehicles whose specific function may require such equipment.

The committee therefore recommends legislation to limit and specifically define the type of vehicle to be designated as "emergency."

21. Licensing of Automobile Dealers and Salesmen

Testimony was presented to the effect that the automobile dealer industry has suffered a decline in public respect and confidence due to questionable practices perpetrated by a small percentage of individuals engaged in the business of selling automobiles. This situation has been attributed to the fact that it is very easy for individuals of questionable reputation to acquire a license to do business.

For the protection of the public and of the reputation of the great majority of the reputable individuals engaged in the automobile selling business, it was urged that a uniform system of state licensing of dealers and salesmen be adopted.

The committee recognizes that a problem exists in this area which may require legislative action for solution.

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Report of the

INTERIM COMMITTEE ON TRANSPORTATION AND COMMERCE

ON MOTOR VEHICLE TRAFFIC PROBLEMS

House Resolution No. 216, 1955

MEMBERS OF COMMITTEE

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PART I

SUMMARY AND CONCLUSIONS

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The committee feels that promoting basic, competent research in the various areas and aspects of vehicular transportation is a most important objective, and that every reasonable encouragement to such research activities should be provided by the Legislature. The committee recommends that ways and means of providing financial assistance for the purpose of carrying on basic research in vehicular transportation be explored by the Legislature.

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The accident report forms currently in use have not been revised for a number of years. Testimony has been presented to the effect that some of the information included in present reports is of no particular value while much information which would be highly useful in promoting traffic safety is not now available.

The desirability of a revision of accident reporting with a view to providing more adequate information for the analysis of accident causes and accident situations has been urged upon the committee.

The committee recognizes the value of data obtained from the accident reports and agrees that the present system of reporting is not of optimum usefulness. The committee accordingly recommends that competent authorities undertake the re-examination of accident reports and statistics and that legislative encouragement be given to such efforts.

4. *Controlling Exhaust Noise and Emissions*

The committee recognizes that a serious problem exists with respect to the muffler noises and exhaust emissions. The present regulatory provisions do not appear to the committee to be adequate for coping

with the existing situation It is recommended that legislative action be taken to provide improved methods of regulation.

5. Problems of the Log Trucking Industry

The committee heard a large volume of detailed testimony on the subject of the problems encountered by the log hauling industry due to present legal limits placed on the loads which can be transported.

The committee is impressed by the complexity of the economic problems and technical considerations involved in complying with present legal requirements and recognizes that the complex problems which have existed in the industry for some time are not now being solved.

The committee feels that legislative action may be necessary to correct the unsatisfactory situation now existing in the industry.

6. Runaway Trucks

A number of serious accidents caused by runaway trucks occurred on the streets and highways of California during the period while this committee has been conducting its interim studies. These accidents resulted in loss of life and serious damage to property. An important factor in the majority of these accidents has been a faulty braking system or the absence of proper safety control devices on the trucks. However, evidence was presented indicating that by far the most important element is the skill and alertness of the driver.

The committee is concerned with the hazard of runaway trucks and is impressed with the value of inspection and regulation applied to those trucks which are covered by the Interstate Commerce Commission and the Public Utilities Commission. The committee recommends the extension of regulation and inspection practices to all trucks preferably by one authorized body.

7. Regulation of Trucks by the Public Utilities Commission

The committee is impressed with the value of the regulatory and inspection work carried on by the Public Utilities Commission. In the opinion of the committee the staff of inspectors maintained by the Public Utilities Commission is not adequate for the task. The committee, therefore, recommends that the staff of inspectors be increased in order that an adequate job can be done.

8. Uniform Enforcement of Hours of Driving Service for All Commercial Drivers

Evidence was presented to the committee to the effect that driver fatigue is an important factor in many fatal accidents.

While the present law provides a limit on the number of consecutive hours a commercial driver may drive, the committee's attention has been directed to the fact that the present law requires clarification since the present wording is susceptible to various interpretations.

The committee feels that a uniform and rigorous enforcement of hours of driving service for all commercial drivers is a necessary safety measure and recommends the adoption of appropriate legislation.

9. Uniform Examination for All Drivers of Complex Vehicles

Testimony has been presented to the effect that under the present law many individuals are permitted to drive trucks and other complex vehicles with an ordinary driver's license and without a special examination to determine their competence to operate such vehicles.

The committee feels that uniform examinations and licensing for all drivers of trucks and complex vehicles is desirable. Licenses to operate such vehicles should be issued only on the basis of the driver's demonstrated ability to operate such vehicles. The committee therefore recommends the enactment of appropriate legislation.

10. Compulsory Motor Vehicle Inspection

The committee examined a considerable volume of testimony submitted both in support of and in opposition to a program of compulsory motor vehicle inspection. The committee feels that the arguments presented on both sides are not sufficiently conclusive and recommends that the problem of compulsory motor vehicle inspection be made a subject of further study.

11. Safety Devices and Appliances

The committee is concerned with the growing volume of traffic accidents and the urgency of reducing their number and seriousness.

Testimony was presented to the effect that greater traffic safety can be achieved by special requirements with respect to such items as:

(a) Steering wheels;
(b) Door locks;
(c) Rear view mirrors;
(d) Safety belts;
(e) Safety cushioning for all instrument panels and sun visors;
(f) Mirrors on left door;
(g) Tail lights, stop lights, back-up lights;
(h) Hood and headlight ornaments;
(i) Turning signals;
(j) Reflective tape on doors;
(k) Emergency highway flares;
(*l*) Fire extinguishers;
(m) Bumpers.

The committee feels, however, that the evidence presented is not sufficiently conclusive to warrant specific legislative action with respect to individual safety devices and recommends that this subject receive additional study and that each proposal be considered on its merits.

12. Registration of Motor Vehicles

The committee has heard testimony to the effect that there are many problem areas in connection with the administration of the registration of motor vehicles. Illustrative of such problems are:

(a) Maintenance of registration records;
(b) The issuance of various special permits;
(c) Manner of displaying license plates;
(d) The issuance of special plates to dealers and others;
(e) The registration fees to be charged, etc.

The committee recognizes the need for legislative action to solve many of the problems which have developed in the area of registration of motor vehicles and recommends the enactment of appropriate legislation.

13. Improving the General Program of Driver Licensing

The committee examined the current requirements and procedure employed with respect to the licensing of drivers. The committee appreciates that California is in the forefront among the states in the development of modern and progressive driver licensing methods Nevertheless, the methods presently used cannot be considered entirely adequate to cope with the growing complexity of vehicular traffic movement. The committee is impressed with the weight of scientific testimony to the effect that the driver—his habits, attitudes, skills, qualifications—is by far the most important single factor in causing traffic accidents. The committee feels that a most important contribution to greater traffic safety can be accomplished through improving the behavior of drivers. To this end the committee recommends expansion of driver education and training programs and a strengthening of the driver licensing procedures The committee also recommends a more vigorous program of enforcement and control designed for drivers who are constant violators or accident repeaters.

14. Design of Highways

The committee is impressed with the advances made by California engineers in designing one of the most efficient and progressive road networks in the world. The committee commends the Department of Public Works, Division of Highways, for the excellent work done in designing and constructing the system of California freeways.

Nevertheless, the committee feels that the rapid growth and expansion of our State presents a constant challenge to a continued effort toward better freeway design. Particularly, there is need for continuing study and research in the area of:

(a) On and off ramps and distribution points;
(b) Placing of emergency telephone facilities on the freeways;
(c) Providing temporary storage facilities for disabled vehicles;
(d) Providing adequate dividers;
(e) A study of parallel streets, and a number of similar problems.

The committee feels that much can be gained from an effective utilization in freeway design of experience developed from a careful analysis of accident statistics and congestion reports and the experience of local traffic control enforcement officials and that the maintenance of fruitful cooperation between the design engineers and the enforcement officials should be encouraged and facilitated.

15. Signs, Signals and Markings

The committee carefully reviewed the situation existing with respect to traffic signs, signals and markings. The function of traffic signs is becoming increasingly important with the growth of the number of vehicles and the expansion of highway mileage including many miles of multi-lane expressways. The speed and volume of traffic and the complexity of freeway interchanges require signs which must be quickly

recognized and understood by the driver at all hours and under all conditions. This puts a special importance on:

(a) Location of signs and directional signals;
(b) Legibility and illumination;
(c) Uniformity of signs, signals, and markings to facilitate ready understanding by the driver.

The committee feels that these considerations apply to:

(1) Warning signs used to caution drivers of the need for added alertness or reduction of speed;
(2) Guide signs designed to supply directional information;
(3) Regulatory signs designed to inform motorists of regulations governing movements.

The committee feels that the state-wide scope of the problem requires that it be treated as far as possible on a uniform state-wide basis.

16. Endowing Local Enforcement Officials With Necessary Authority to Facilitate the Movement of Traffic on Freeways

Testimony has been presented calling the attention of the committee to the fact that at present there is no expressed legal authority for local enforcement officials to regulate certain aspects of freeway traffic movements. Specifically, the attention of the committee has been called to the desirability of granting local enforcement agencies specific authority to:

(a) Prohibit lane changing in high accident frequency locations;
(b) Close on and off ramps for the purpose of controlling traffic volumes during emergency and peak hour congestion periods;
(c) Establish time limits for emergency parking on freeways and freeway rights of way;
(d) To designate the number of hours which vehicles may be left standing on freeway or freeway rights of way and to permit removal of vehicles left standing in excess of the permitted period.

There are a number of other problems in the area of traffic control and enforcement with which local enforcement agencies must necessarily deal and which require specific authority they do not now have.

The committee concluded that the granting of such enabling authority to local enforcement officials is necessary to facilitate the control of freeway traffic and recommends the enactment of appropriate legislation.

17. Coordination of Effort in Freeway Traffic Control

The freeways of California traverse a multiplicity of political jurisdictions. All these jurisdictions are responsible for traffic enforcement. The California Highway Patrol normally does not operate on sectors of state highways located within cities, although it has authority to do so under the present laws. Many of the jurisdictions through which a freeway passes are small and have only limited police resources. Moreover, the sector of the freeway involved may be very short.

Testimony has been presented to the committee to the effect that uniform law enforcement along freeways that pass through both incorporated and unincorporated areas is difficult to achieve as a result of

this situation. The committee recognizes the importance of uniform law enforcement on freeways and is cognizant of the special problems experienced by the smaller jurisdictions. The committee feels that coordination of effort among authorities at various levels of government is highly desirable and that cooperative arrangements entered into between local jurisdictions and the California Highway Patrol with respect to traffic patrol and enforcement can be beneficial both to the local jurisdictions and to the State as a whole.

Coordination of effort is also desirable between local police and traffic authorities and the State Division of Highways for control of entrances and exits to on-ramps and off-ramps.

The committee recommends that methods of developing and strengthening such coordination of effort in the area of traffic control should be explored and encouraged.

18. Improving the Flow of Freeway Traffic

Congestion on freeways is a serious cause of accidents. Congestion impedes the free flow of traffic and causes not only loss of life and property but an appalling economic waste.

To minimize congestion and to maximize the smooth flow of traffic is a most important objective of traffic enforcement officials.

Testimony has been presented to the effect that the flow of traffic can be expedited through the use of various traffic control methods and devices such, for example, as:

(a) Graduating the flow of traffic;
(b) Use of variable speed limits;
(c) Use of a special signal system designed to reduce congestion;
(d) Changing the available number of lanes with changes in the direction of traffic flow;
(e) Assignment of certain vehicles to specific lanes;
(f) Instituting special controls and regulations during peak traffic hours. For example:
    1. Providing for interchangeable lane systems.
    2. Excluding maintenance crews.
    3. Excluding certain types of vehicles.
(g) Use of television, electronic and radar devices;
(h) Use of helicopters.

The committee is impressed with the developments in the field of traffic control and recommends legislative action designed to encourage local officials to experiment with the use of new traffic control methods and devices.

19. Increased Policing by California Highway Patrol

The committee is impressed with the testimony presented at its hearings to the effect that the present staff of the California Highway Patrol is not adequate to cope with its increasingly complex duties caused by the rapid expansion in the number of registered vehicles and licensed drivers.

The committee feels that the presence of sufficient numbers of uniformed patrol on the highways is one of the most effective ways of improving driving behavior and reducing the number of accidents and recommends legislative action designed to increase the number of men available for highway patrol duty.

20. Authorized Emergency Vehicles

Testimony has been presented to the effect that a number of different vehicles are now classified as "emergency" which means that many are equipped with sirens and red lights.

The committee is impressed with the fact that the usefulness of the designation "Emergency Vehicle" diminishes as the number of vehicles enjoying such designation increases. Moreover the need for sirens and red lights should be limited to a rather small number of official vehicles whose specific function may require such equipment.

The committee therefore recommends legislation to limit and specifically define the type of vehicle to be designated as "emergency."

21. Licensing of Automobile Dealers and Salesmen

Testimony was presented to the effect that the automobile dealer industry has suffered a decline in public respect and confidence due to questionable practices perpetrated by a small percentage of individuals engaged in the business of selling automobiles. This situation has been attributed to the fact that it is very easy for individuals of questionable reputation to acquire a license to do business.

For the protection of the public and of the reputation of the great majority of the reputable individuals engaged in the automobile selling business, it was urged that a uniform system of state licensing of dealers and salesmen be adopted.

The committee recognizes that a problem exists in this area which may require legislative action for solution.

PART II

THE MOTOR VEHICLE TRAFFIC PROBLEM

A. THE ROLE OF MOTOR VEHICLE TRANSPORTATION IN MODERN ECONOMIC LIFE

In the United States the automobile has developed during the past 50 years from a rare and expensive luxury to a basic necessity. Today the family car is considered to be essential to our way of life and its price is included in the cost of living index. A large proportion of the working population is dependent on motor transportation either by bus or private car for travel to and from work. Trucks are a prime necessity for the movement of goods. Present civilization is dependent on the mobility provided by motor vehicles.

Automobile manufacturers have overcome both technical and economic barriers to make the benefits of rapid motor travel available to practically all classes of the population, and the convenience of cheap and easy motor transportation is now being universally enjoyed. Motor vehicles are now used not only for business purposes but for educational and religious purposes, family business, as well as for social and recreational activities. Because of its relative economy and comparative safety, motor vehicle transportation plays a most important role in modern living.

B. IMPORTANCE OF MOTOR VEHICLE TRANSPORTATION IN CALIFORNIA

California is now the fastest growing state in the Union. It already ranks second in population among all states, and the prospects are for continued and uninterrupted further growth.

The geographic characteristics of the State made possible a widespread development of cities and towns. An early construction of extensive interurban electric railway systems radiating from the cities encouraged and facilitated decentralization. With the development of motor vehicle transportation, further decentralization of population was encouraged. Due to favorable climatic conditions and because privately owned automobiles furnished a dependable means of transportation, homes and business establishments could be located without regard to established transit routes. Thus, low density predominantly single family dwelling patterns were established which continue to exist until the present time. The availability of the motor vehicle has been a most important influence on the mode of living in California. It has been an important factor in determining the location of markets, shopping centers, and industries.

The increase in the number of automobiles in California exceeded even the increase in population. In 1950 there were 4,557,893 registered motor vehicles in California—the highest number in the Nation. New

York, the second highest state, had 945,528 fewer motor vehicles. California registered passenger cars constituted 10.2 percent of the national total in 1950, compared with 8.0 percent in 1940. Over a tenth of all the United States motor vehicle population is now registered in California. In addition to the vehicles registered in California, many tourists from all parts of the country are constantly attracted to the State by the scenic beauty of the country and the climatic conditions. In 1953 more than 10,000,000 persons entered California. Nearly 4,500,000 were non-residents. Moreover, because of the geographic characteristics of the State, and the mode of living here, Californians drive more miles per year than the national average. Motor vehicles move daily through the streets and highways of California a staggering mass of people, food, and goods of various kinds. The large urban population constantly on the move creates traffic of formidable proportions so that congestion in cities today is largely associated with motor vehicle transportation. The tremendous number of delays and accidents growing out of the indiscriminate mixture of through and local traffic, heavy and light vehicles, numberless crossings at grades, and uncoordinated traffic regulations are convincing evidence of the need for much improvement in the management of traffic and transportation facilities.

C. MAJOR PROBLEMS IN MOTOR VEHICLE TRANSPORTATION

1. Constantly Increasing Volume of Traffic

The number of automobiles and trucks driven over California highways continues to increase faster than road space can be provided for their safe and efficient movement. From 1941 to 1951 motor vehicle registration increased 65 percent. The expanding California economy requires an ever-increasing number of motor vehicles. It is estimated that by 1970, the total number of vehicles may exceed 9,000,000—a gain of 88 percent over 1951. The total mileage driven in 1951 was 48.6 billion vehicles miles. It is estimated to double by 1970.

2. Inadequacy of Existing Facilities and Resulting Accidents and Congestion

Roads designed to fit the needs of the number and type of vehicles driven 15 or 20 years ago can scarcely be expected to be adequate to accommodate today's much speedier and more voluminous traffic with complete safety. As travel increases and the roads grow older, deficiencies accumulate. In 1953, there were 10,948 miles of deficient highways out of the 14,312 miles in the state system. These deficiencies were arrived at according to state highway standards in existence at that time. Since then the standards have been raised, and the number of automobiles, and the number and size of trucks continues to increase. Traffic cannot move easily and safely over roads classed as deficient because of shortcomings in width, alignments, or grade.

Increased traffic volume and inadequate highway facilities combine to produce traffic congestion. Congestion is the absence of complete freedom of movement and therefore occurs whenever there is any "impediment" to the free flow of traffic. Since impediments to the movement of traffic increase with volume, congestion on any street or highway is directly related to the number of vehicles making use of the facilitiy. The economic impact of congestion extends to travel time,

cost of operating motor vehicles, cost of accidents, land values, and business and commercial operations in general.

Travel time is seriously affected by traffic congestion and is probably the most important factor. Some economists believe that both truck and passenger vehicle time loss should be evaluated while others hold that only the commercial vehicles should be considered in estimating the cost of lost travel time.

The New York Trucking Association estimated that in 1950 the average time lost for trucks in midtown Manhattan was four hours per day. Speed runs made in West Virginia indicated that travel time at the peak hour may be 50 to 60 percent longer than travel time during early morning prerush hours. The California Public Utilities Commission estimated several years ago that an average time value of a truck was worth about $3 per hour. In Manhattan the annual cost of trucking delay is set at 150 million dollars. A survey conducted by the Bureau of Public Roads of the National System of Interstate Highways revealed that travel time in urban areas covered by this system could be very substantially reduced by eliminating congestion. This time-saving is evaluated at more than 400 million dollars annually.

The cost of operating vehicles is easier to measure than the cost of travel time. Vehicular operating costs increase with congestion and vary with different types of facilities used. The level of gasoline mileage cost is primarily related to frequency of stops, length of stops, and operating speed. Average fuel cost per stop has been estimated at about 0.15 cent when coming to a stop from a speed of 30 miles an hour, and at about 0.30 cent when coming to a stop from a speed of 60 miles per hour. Studies conducted in New York indicated that the cost of gasoline loss due to idling in traffic jams exceeds $4,500 a day. The cost of fuel required for extra stops accounted for an additional $4,000 daily. It was also found that "city" trucks require new clutches every 18,000 miles, while "out of town" trucks require clutch replacements only every 45,000 miles. The cost of repair was estimated at 0.6 cent per mile for the city trucks compared with 0.4 cent a mile for the out of town trucks. Tire costs for stop-and-go driving was estimated to average about 0.6 cent per mile—three times as high as the cost of traveling on open roads. Fuel, tire, and brake costs are estimated to run about 1.25 cents more per vehicle mile driven on congested streets than on free-flowing highways.

California experience has shown that the accident rate on an average surface facility is much higher than that on an average urban freeway. It is difficult to estimate the impact of congestion on land values because so many other factors such as shifts in population and fluctuations in economic conditions enter into the picture. It is recognized, however, that congestion-free highways and streets do contribute to the much needed stability in land development in urban areas. Because many business and commercial operations are closely related to transportation, traffic congestion exerts a measurable influence on these activities.

3. Freeways Must Serve Intercity and Intracity Needs

Throughout the Nation freeways provide a rapid route between cities, serving essentially as intercity routes. The California Freeways are new in concept, in that they are designed to carry high speed, heavy volume loads between cities and also accommodate exceptionally heavy traffic within a city. As a result they perform the dual function of an intercity as well as an intracity facility. The intracity function of the freeways necessitates the construction of frequent on and off ramps to service the surface street traffic flow seeking access to, or exit from, the freeways.

The spacing frequency of the ramps precludes the construction of long acceleration and deceleration lanes necessary to provide sufficient distance for safe and convenient entrance or exit. This creates a number of traffic control problems.

D. SCOPE AND EXTENT OF FREEWAYS

A freeway is a facility designed exclusively for the movement of motor vehicles. It is separated from adjoining property by physical barriers, through which ingress or egress is prohibited. Freeways provide for uninterrupted flow of traffic by dividing opposed streams of parallel traffic. Cross traffic is accommodated through properly designed overpass and underpass structures. Freeways are designed to fulfill a number of important functions: they provide needed routes of travel, supplementing the street system, so that fast, long-distance traffic can move more expeditiously; they make possible the achievement of a high degree of efficiency, traffic capacity and safety; they render surface streets safer and more useful for their intended purpose by freeing them of the heavy burden of through traffic.

The planning and location of freeways involves a number of important considerations:

1. Freeway routes should be so located as to interfere as little as possible with the character of the neighborhood and at the same time provide all parts of their service area with improved transportation facilities.
2. Terminal facilities, consisting of adequate distribution lanes or parking areas or both, should be planned and executed as part of the freeway project.
3. Planning a freeway system begins long in advance of the construction phase. Before rights of way are acquired, the functional uses of the freeway and the volume and types of traffic for which it is intended must be determined. The freeway is then designed in accordance with these considerations.

Since busses are expected to use the freeways along with passenger cars, special regulatory provisions are necessary to insure that they will not conflict with or hamper the normal flow of private vehicles along the freeways. California law provides that state highways must be open to use by all types of traffic unless suitable paralleling routes are available. Trucks, too, will therefore be using the freeway facilities. The need to accommodate bus and truck traffic must be recognized in the design of freeways.

At the present time there are 1,681.3 miles of multilane divided highways in operation in California. An additional 300 miles of this type of facility is under construction. Still another 160 miles are provided for in the present state highway budget. Thus, there will be completed or under construction as of Fiscal Year 1958, more than 2,100 miles of multilane divided highways. This represents approximately 15 percent of our entire state highway system. There are 352.8 miles of full freeways now in operation and 249.7 miles more under construction and over 100 miles more already budgeted. In addition, there are 833.6 miles of completed expressways, 104.3 miles under construction, and approximately 56 miles budgeted. The problem facing the designers of California highway facilities is to build during the next 10 years highways designed to meet traffic needs of 20 years hence. This is a very formidable task, indeed.

E. PROBLEMS SOLVED BY FREEWAYS

Statistical evidence indicates that freeways are safer than surface streets. During 1948-50, a comparative study of traffic accidents was made in Los Angeles between surface streets and freeways. Surface streets totalled 600,000,000 vehicle miles while the freeways totalled 776,000,000 vehicle miles. The fatal accident rate per million vehicle miles on freeways was only 1.7 compared with 4.2 on surface streets. The combined fatal and injury accident rate on freeways was 53.9, while on surface streets it was 259.9.

Almost 90 percent of the Los Angeles traffic fatalities resulted from accidents falling into five general categories: vehicular collision, pedestrian collision, head-on collision, intersection accidents, and accidents involving cars entering or leaving curb parking space. Accident records indicate that freeways have eliminated some of these types of accidents and reduced others.

Freeways provide freedom of movement and eliminate cross traffic delays. As a result, freeways are able to carry a traffic volume of up to 1,800 vehicles per lane per hour. Surface streets, on the other hand, with traffic signals, pedestrian crossings, and cross-traffic can accommodate only one-third of this volume—about 625 vehicles per hour. The average speed on the freeways as established by radar reading was 46.4 miles per hour, while a surface route test from Colorado Boulevard to Imperial Highway in Los Angeles showed that the average speed was only 20.8 miles per hour. At certain surface locations it was only six miles per hour for a distance of 1½ miles. The results of the study led to the conclusion that three times as much traffic can move on a freeway as on a similar surface street and can do so in half the time and with about one-fifth the accident risk.

F. PROBLEMS CREATED BY FREEWAYS

While freeways provide a solution to some of the problems of vehicular transportation they, at the same time, create new hazards of congestion and increased severity of certain kinds of accidents. The integration of the expanded use of motor vehicles into the modern way of life has been a costly process. As the number of passenger cars, miles traveled, and tons of freight conveyed increased, traffic has naturally

become increasingly dense, speed levels have increased, and there has been, as a direct result, a rise in accidents, deaths, injuries, and monetary losses.

1. Accidents and Congestion

Even though accidents on the freeways are fewer in number, their severity is more pronounced. Because of heavy traffic with cars following each other too closely and the high speed allowed on freeways, when a rear-end collision occurs it often involves a number of cars. High speed increases the severity rather than the frequency of accidents. On the basis of accident reports filed with state authorities, deaths to car occupants average 20 per 1,000 personal injury accidents at speeds between 20 to 30 miles per hour; 39 between 30 and 40 miles per hour; and 53 between 40 and 50 miles per hour. At speeds above 50 miles per hour they average 126 per 1,000 accidents. The probability of death to car occupants increases rapidly with increasing speed, the increase in death rates being in geometrical progression to the increase in speed. This means that the occupant of a car traveling 40 miles per hour has not twice but four times as much chance of death in case of an accident as an occupant of a car traveling at 20 miles per hour. Similarly, the probability of death as a result of an accident is nine times as great for an occupant of a car traveling at 60 miles per hour as it is for an occupant of a car traveling at 20 miles per hour.

Following too closely is the most important cause of freeway accidents. Such accidents often involve several cars and injuries or death to a number of people. As a result, one accident on a freeway can cause more damage to vehicles and persons than 10 accidents on an ordinary surface street.

Congestion on freeways is due primarily to the extraordinary traffic demands placed upon them. As a result of lane count studies made on Los Angeles freeways, it was found that facilities designed to carry 1,500 vehicles per hour were burdened with over 2,200 vehicles per hour in some locations during peak hours. Accidents are an important cause of congestion. They interrupt the free flow of traffic even to a greater extent than an overload during peak hours. Traffic moves slowly during peak hours. When accidents occur traffic often will be brought to a complete stop or at best will continue to move at a snail's pace. It was observed that the blocking of one lane during the rush hours, under any condition, will cause a traffic jam which backs up and does not totally dissipate for 90 minutes. By that time, although the free movement of traffic is restored, the tail end of the congestion has moved back to reach the on-ramps and even the downtown streets. As many as 10,000 vehicles can be affected by such a stoppage.

Moreover, during such periods of congestion vehicles tend to follow each other too closely, thus increasing the possibility of rear-end collisions. It also leads some drivers to believe that they can make better time in another lane, which results in many unsafe lane changes and more accidents. The importance of this becomes obvious when it is realized that over 49 percent of all freeway accidents are caused by following too closely and by unsafe lane changes.

Congestion also results when there is stoppage due to such factors as mechanical trouble, flat tires, or running out of gas. Since traffic on

the freeways is fast-moving and not much space is available for parking on the side of the road, the disabled automobiles cause a general slowing down of traffic with resulting congestion.

2. Cost of Accidents and Congestion

Accidents and congestion result in a brutal loss of lives, great suffering to injured persons, and enormous economic losses. The National Safety Council estimated that in the year 1954 there were 36,000 deaths caused by motor vehicle accidents. In Los Angeles alone in 1955 there were 367 deaths from automobile accidents, or an average of one death per day.

The total estimated cost of motor vehicle accidents in 1954 in the United States is $4,400,000,000. The total includes:

1. Wage loss due to temporary inability to work; lower wages after returning to work due to permanent impairment; present value of future earnings of those totally incapacitated or killed in accidents	$1,250,000,000
2. Medical expenses, including hospital expenses	100,000,000
3 Overhead cost of insurance	1,450,000,000
4. Property damages due to automobile accidents	1,600,000,000

The national annual loss due to congestion and unsafe highways has been estimated at 3 billion dollars. This includes 1¼ billion dollars as the cost of accidents, 750 million dollars in wasted gasoline and needless wear on tires and brakes, and 1 billion dollars for increased trucking costs.

Accidents and congestion are the two principal problems faced in freeway traffic operations. To reduce accidents and congestion, there is a need for improvement in a number of areas. Additional freeways must be built. The number of lanes on existing freeways must in some cases be increased. More adequate controlled access facilities are needed so that traffic volume can be better dissipated. This will relieve congestion during peak hours and reduce the number of accidents. Road signs and signals can be improved to give the driver better advance warning and direction. The illumination of signs can be improved to give the driver greater relief from eye strain and tension during night driving and to minimize confusion to the driver resulting from inability to heed warnings or follow directional instructions.

The patrolling force needs to be increased to make possible more effective enforcement of traffic laws, better regulation of traffic, and to render assistance in cases of emergency in order to maintain the free flow of traffic. Regulatory measures designed to improve the safety of vehicles is another important area of action. Automobile manufacturers, highway and traffic engineers, and traffic enforcement officials must develop close and effective liaison and work in cooperation to the end of developing safer automobiles and better and safer roads.

The most important cause of accidents and congestion is the driver of the motor vehicle himself. His driving habits, road behavior, and social attitudes need to be better understood in order to bring about much needed improvement. Driver licensing procedures must be reexamined. Adequate tests must be developed. The education and training of young as well as adult drivers must be given increased attention. These are a few of the areas in which much improvement can be made.

According to studies conducted by the Traffic Institute of Northwestern University, there is a possible saving in time, gasoline, and the maintenance cost of cars estimated at 321 million dollars annually

if the improvements necessary to insure a free and unhindered flow of traffic are put into effect.

G. PRINCIPAL FACTORS RESPONSIBLE FOR TRAFFIC ACCIDENTS AND CONGESTION

1. The Driver and His Behavior

The human factor is recognized as the most important variable in traffic accidents. Therefore, the psychologist, physician, judge, safety engineer, and traffic officer are all concerned with achieving an understanding of those qualities in a person's mental makeup that are responsible for getting him into traffic difficulties. Because each person develops a special combination of abilities, habits, and attitudes, various individuals differ greatly in their driving behavior.

Medical examinations of drivers have shown that there is some relationship between a person's sensory abilities and motor coordination and traffic accidents Satisfactory vision and hearing are fundamental requirements for safe driving. Such factors as the width of the visual field, color vision, effect of illumination, and effect of glare are important and should be taken into account when a driver is being tested for safe driving. It has been found that age is a factor of importance as far as vision is concerned, with greater intensities of light required at threshold levels of perception as individuals progress beyond 40 and 50 years of age. There is also some evidence that the vision of older persons is more affected by glare and returns more slowly to its preglare efficiency.

Reaction time is one of the very important factors in driving. The brain and the muscles of the body of the driver must work together in close coordination. An impulse passes along the nerve path from the eye to the brain and then to the muscles in the hand or foot, as the case may be. This process takes time. The time needed to stop a moving car is not merely the time during which the brake action takes place. The driver must first become aware of the need for stopping. Then it takes time for the driver to get his foot on the brake and execute the necessary stopping action. This is called the driver's braking reaction time. The average reaction time is 0.75 seconds. The distance traveled while reacting to a danger signal varies directly with speed. For example, at 20 miles per hour the distance traveled during the average reaction time of 0.75 seconds is 22 feet; similarly, at a speed of 60 miles per hour it is 66 feet. When a car is brought to an emergency stop, not only the reaction time distance must be considered, but also the braking distance. After the foot is finally placed upon the brake pedal, it takes more time to stop the car. This is due to the braking distance which is also affected by the speed. At 20 miles per hour, the braking distance is 30 feet. At 40 miles per hour, the braking distance is 120 feet, or four times as great, while at 60 miles per hour it is 270 feet or nine times as great.

The reaction-time distance or the braking distance can not be eliminated. A driver can, however, do much to reduce these distances. To reduce the reaction-time distance, the driver should always be alert for traffic dangers, be familiar with his car, and have good driving habits. The only effective way to reduce the braking distance is maintaining

the brakes in a state of high efficiency, checking and replacing them as they wear out. If all drivers knew what their reaction time is and adjusted the speed of the vehicle accordingly, they would have less difficulty in bringing the car to a complete stop in time to avoid confusion and accidents. Reaction time increases with fatigue, age, alcohol, eye strain, low visibility, inattention, and indecision.

Another important factor in driving is the ability to formulate correct judgments and make quick decisions. Judgment is the result of reasoning, and best reasoning is done when one is well informed. A number of factors, such as fear, rage, worry, impatience, fatigue, drowsiness, use of alcohol, rundown physical condition, all affect judgment. While a decision must be quick, it is important that it also be correct. The rapidity and correctness of decisions are affected by use of alcohol, inexperience, bad mental habits, natural slowness of mind, and length of reaction time. It is helpful to visualize driving situations in advance. It pays to "think through" situations that are likely to be met within normal everyday driving or in a possible emergency.

Skillful and efficient driving depends to a great extent upon good driving habits. In order to become a skillful, efficient, and safe driver one must analyze the behavior involved in driving and determine what habits are necessary and most useful in promoting efficient driving. A few of the most useful habits are: observing traffic laws, road signs and signals; sizing up the traffic situation as far in advance as possible; signalling correctly; inspecting the safety equipment of the car; regulating the speed at the right places; keeping in the right lane; avoiding the taking of chances; refraining from taking alcohol while driving.

It is believed that some drivers are much more likely to have accidents than others. Such drivers are known as "accident-prone" drivers. Clinical examinations of individuals involved in accidents lead to the view that some accidents may be unconsciously motivated. According to this view, the personality of accident repeaters takes a characteristic form.

A large commercial concern, in studying the accidents in which its own fleet of cars was involved, discovered that a small group of accident-prone drivers was responsible for most of the accidents. These accident-repeater drivers were given examinations. As a result, it was found that some were physically unfit, others were not mentally fit for driving, still others exhibited wrong attitudes toward driving. When this small group of drivers was taken off the road, the company's accident record dropped 50 percent during the first year and by the end of the third year, the decline was 67 percent.

Three lines of action appear to be effective in handling the problem of accident-repeaters.

a. Checking the accident record of the licensed drivers and depriving the accident repeaters of their driving privileges.
b. Testing prospective drivers for certain mental and emotional weaknesses, especially their attitudes, and eliminating those exhibiting dangerous traits before they begin to drive, until they can demonstrate their fitness.
c. Teaching individuals how to recognize accident-causing traits in themselves and how to undertake self-improvement. There is great promise in this approach since it has been demonstrated that men

have marvelous powers for overcoming their defects if there is a sufficiently strong incentive.

However, in order to overcome the traits which cause driving difficulties, the driver must first be able to recognize them. These traits are:

a. Egoism. The egoist is a person who considers nothing but his own interest and immediate desires. On the highway this type of person betrays himself by such practices as stopping and making turns without signalling, cutting in too closely after passing, demanding right of way, and not staying on his side of the road.
b. Showing Off. The show-off type of person suffers from a half-recognized sense of inferiority which he is trying to overcome by a false appearance of superiority. He is a bad risk as a driver. Such a person is likely to drive too fast. He boasts of his car's speed and power, boasts of the time he makes between places, and repeatedly creates near-emergencies to prove that he can master them.
c. Emotional Immaturity. Emotional immaturity is characterized by an inability to control one's emotions. Such individuals take the slightest criticism as a personal offense. They sulk and become resentful. They lack presence of mind in emergencies, lose temper and judgment, become impatient in traffic jams and express their anger through reckless driving.
d. A Propensity for Rationalizing. The rationalizer is an individual who never learns to face facts squarely. He sees things the way he wants to see them rather than the way they really are. People of this kind find it difficult to admit their own faults.
e. The Thwarted Personality. Thwarted individuals will not face facts squarely. They have a great capacity for fooling themselves. If circumstances make is impossible to show mastery in one situation, they will tend to show it in another situation. This type of personality will insist on getting the right of way, will try to bully others, will not move over when the other person signals that he wants to pass, and will exhibit other traits characteristic of the egoist.

Social psychologists have long recognized that attitudes are important determinants of human activity both in formulating and directing the pattern of behavior and in furnishing the motivation for such behavior. Attitudes are more or less emotionalized. They are acquired from personal experience, and there are as many and varied attitudes as there are situations to which they constitute a response. Attitudes influence behavior. Therefore, driving behavior which creates a hazardous situation either for the driver himself or for others may be said to be evidence of bad attitudes. Psychologists classify driving attitudes as temporary or permanent ones. A temporary attitude, for example, is the type exhibited by an individual when he drives to work after insufficient sleep or in a state of ill health. Permanent attitudes are classified further as being either passive or active. Passive attitudes characterize indifferent, blase, euphoric, over-cautious, and lazy drivers. Active attitudes are characteristic of tense, over-assertive, arrogant, belligerent, egoistical, irritable, and unstable drivers.

Unfortunately, no experimental or statistical proof is available on the basis of which attitudes can actually be measured and their relationship to the behavior of the driver determined. Some experiments have been conducted designed to get a better understanding of the relationship between driver characteristics and accident involvement, but the results are not conclusive. A study of 29,531 Connecticut drivers showed a rather high accident rate among young drivers in the age bracket from 20 to 30 years.

Medical tests have shown that there is a curvilinear relationship between blood pressure and accidents. Some experiments have indicated a low correlation between accidents and visual acuity and color-vision. It has been found that a driver's judgment of the speed of the other car is often very inaccurate.

Experimental studies suggest that adolescent traffic violators are generally more maladjusted and disturbed individuals than the nonviolators. They reflect in their traffic violations a greater insecurity and emotional immaturity than the average nonviolator youth of their age.

The attitudes of adolescent driver violators toward authority and social regulation appear to be largely negative. These attitudes are derived from their family and social group environment. Research indicates that many of the adolescent traffic violators come from broken homes. The parent-child relationship has been poor in almost all cases, with parental rejection evident. School adjustment was found to be generally poor. In many cases there was a history of poor grades, truancy, and overt resistance to school authority.

The attitudes of parents and the social group to which these adolescents belong play an important part in shaping their behavior patterns. If the group members themselves do not take violations seriously and pay little attention to traffic laws, the adolescents will tend to exhibit the same attitudes.

2. *The Vehicle*

While human errors and human failures are generally considered to be the principal causes of traffic accidents, failures in the structure or operating systems of the vehicles are also to some extent contributing factors. The concept of vehicular accidents resulting from defective mechanism has been termed "design failure." This concept of "design failure" involves the point of view that vehicular design must be adapted to the capabilities and limitations of human operators if maximum efficiency is to be achieved. According to the Harvard School of Public Health, "design failure" describes the situation when equipment is inadequately integrated with or runs counter to the structural, perceptual, or behavioral characteristics of the operator. Design defects thus enhance the possibilities of errors and accidents. Research data on failures in design with respect to the capabilities and limitations of those expected to operate the vehicles provide several illustrations:

a. In one truck cab, it was impossible for a tall driver to put his foot on the brake when the gear shift was engaged in either of the two left positions, because of insufficient space between pedal surface and the rim of the steering wheel.
b. In another model, the hand brake could be reached and comfortably operated only by 5 percent of the truck driver population.

c. In some models, RPM indicators were located where they could be read without error only from the seat to the right but not by the driver.
d. In some models vertical adjustments of seats was completely lacking, and the windshield wipers allowed only a narrow field of clear vision in bad weather.

These illustrations suggest that if such design defects exist in a vehicle, it is only a matter of time before some driver will "fail." Human capabilities and limitations should, therefore, be given proper consideration in the design of vehicles at the original planning stage.

The most important defect in the design of vehicles which can cause vehicular accidents is lack of adequate visibility. Studies of visibility provided by headlights demonstrated that the distance at which objects were perceptible increased with greater headlight intensities. The distance at which unexpected objects on the roadway became visible was only about half of what it was in the case of obstacles which were expected. These studies also demonstrated that light-colored objects could be perceived at greater distances than dark-colored objects, although factors of contrast and size enter to modify the effect of the reflection factor. Vehicular speed was shown to have considerable effect on visibility distances, with the latter invariably decreasing with additional speed. On the average a decrement of some 20 feet in visibility for each increment of 10 miles per hour in speed was observed.

The angle between a glaring light source and the line of vision was an important variable in the degree of intensity of glare experienced. Other studies concluded that mis-aim of headlights contributes greatly to the frequency with which glaring headlights are encountered on the roads. Frequently headlights were also observed to be deteriorated. This deterioration is an important factor in glare because it results in an increase in the ratio between the brightness of the opposing light and the light brightness to which the driver's eye is adapted. Reduced intensity of lighting also results in shorter visibility distances even when opposing light is not encountered.

Another aspect of the visibility factor in design is that of making cars and trucks more visible to the drivers of other vehicles, especially under conditions of low illumination. For example, when vehicles are equipped with stop lights, the braking reaction-times of the drivers who follow is appreciably reduced. Without stop lights, reaction-times were averaging between one and two seconds, whereas with stop lights on the leading vehicle, the reaction-times averaged only 0 64 seconds. A statistical analysis of night accidents in which stopped vehicles were hit from the rear, revealed that prewar vehicles were six times more likely to be hit than postwar cars. The difference was attributed to the greater intensity of tail lighting in the later models. The height of the tail lights above the surface of the road and the distance between the tail lights mounted at the sides of a vehicle is an important warning to drivers at night.

Another factor related to the cause of vehicular accidents is poor design and location of controls. In a number of recorded accidents, brake and accelerator pedals were so located relative to each other that feet shod in heavy army gear could not operate them independently.

In these cases a considerable amount of braking time was consumed in the process of removing the foot from the accelerator and placing it on the brake.

An important consideration in the design of controls has to do with the biomechanics of human movement, that is, a consideration of what the operator can do with his hands and feet from a particular position. Research studies suggest that the operating control mechanisms located in front of the operator, between the operator's waist and shoulder height, can be more conveniently reached and accurately manipulated than when they are located in other positions. The research findings imply that the effort required to operate a control must be well within the capabilities of the operator and that the accuracy of operating a given control instrument is to some extent a function of the inertia or resistance within the mechanism itself. The designers of power braking and power steering systems may need to take such data into consideration.

The manufacturers of motor vehicles have tended to design vehicles for the "average" driver, without regard to the actual size of the individual. This means that many operators who are larger or smaller than the average are disaccommodated in various respects, unless sufficient adjustability of seats or controls is provided. The importance of the eye-level of the operator with respect to the area of visibility provided by the design of the windshield is another factor which must be given consideration in designing automobiles.

One aspect of the human engineering approach to vehicular safety has to do with maintaining the efficiency and health of the driver by protecting him against the effect of harmful or noxious factors associated with vehicular operation. Noise, vibration, carbon monoxide, and rapid deceleration are among the important factors that enhance vehicular accidents.

Noise levels emitted by vehicles under various operating conditions have been measured. Levels which interfere with communication by voice and with response to horns and warning signals were frequently reached in heavy vehicles. At times, noise intensities which resulted in temporary hearing losses were found, especially with prolonged exposures. Tests were conducted of noise levels in trucks in reference to methods of noise control. These tests indicate that the noise in vehicles can be reduced by more than half by use of panel treatment, resilient mounting, and absorbent materials. Such improvements provide ways of reducing driver fatigue and consequently result in greater safety.

The role of vibration on health and safety has been emphasized in several medical reports. The frequency of injuries and disorders of the spine and its supporting tissues observed in drivers of tractors, trucks, and military vehicles, and the relation of these disorders to extreme vibration has been observed. A tendency for pre-existing conditions to be aggravated with prolonged exposure to vibration was established. Visual acuity has also been found to be impaired when the body is subjected to vibration, particularly at certain frequencies.

A survey made by the California Highway Patrol of 1,007 automobiles on the open highway for the concentration of carbon monoxide found in vehicles, established the presence of some carbon monoxide in all units tested. Potentially dangerous levels were found in 30 percent. Levels sufficient to produce symptoms of poisoning were found in

3 percent. High concentrations were found in some moving vehicles even when the windows were open. Research results have indicated that continued exposure even to a small concentration of carbon monoxide results in impairment of night vision, drowsiness, and other characteristics of oxygen deprivation.

Police and medical reports indicate that there is a high frequency of head and facial injuries as a result of traffic accidents. Next in importance are injuries to lower extremities and the chest. These injuries are caused primarily by opened doors, the steering wheel structure, windshield structure, and the instrument panel. The injuries inflicted must be carefully analyzed and, if possible, related to those portions of the vehicle which cause them If more reliable information can be developed in regard to impact forces imposed and the kinematic behavior of the human body during abrupt deceleration, protective changes in design may be possible of achievement.

3. *The Highway*

The analysis of accidents by location has had numerous implications for the design of highways. Accident reports indicate that accidents on curves are more frequent than on a straight road This is especially so when curves are scattered infrequently along a stretch of road. When highways are more continuously winding, the over-all rate of accidents on curves is not appreciably greater than on stretches of straight road. A number of other hazardous location characteristics have been identified. Accident rates for bridge structures which were wider than the approaching pavement were only one-eighth as high as the rates when the bridge was narrower than the approaching roadway. The experience with two-lane highways indicates that accident rates were highest when the pavement was less than 18 feet in width. Accident rates decreased progressively as the width of the pavement increased from 18 to 20 feet, 20 to 23 feet and wider. Accident rates for divided, controlled access highways are considerably lower than on two- and four-lane undivided highways. Most of the accidents, it was found, occur at intersections.

To provide safe and efficient travel facilities for the present volume of traffic, it is estimated that about 37 percent of the 14,223 miles in the State Highway System need some immediate improvement. About 1,543 miles of state highways fail to render effective service because of overloading. Many more miles of highways are in such poor structural condition that they are hazardous to traffic. A number of highways have been classed as deficient because of shortcomings in width, alignment, grade, and other factors related to safe driving.

Human variables also play a part in the design of safe highway facilities. For example, the geometric design of intersections and planning of sight distances must take account of driver perception and reaction time. Data on driver perception time are also needed for correlation with engineering data on acceleration and deceleration of motor vehicles on the highway. Some studies have revealed that while passing other vehicles drivers tend to swerve their cars away from each other. This swerving tends to be more pronounced at higher speeds. Cars sometimes go off the roadway while passing other cars on eight feet wide lanes, despite adequate space available for clearance.

4. Control of Traffic and Enforcement of Traffic Laws

The ever-increasing number of miles of California highways built to freeway standards has brought into focus the need for adequate signing. Essentially, signs serve to guide drivers, especially those unfamiliar with a particular stretch of highway, in order that they might make proper choice of direction at an interchange. When placed in advance of the interchange, signs serve to segregate traffic into proper lanes before reaching the point of divergence.

Signs are intended to eliminate confusion, but the present systems of signs, signals, and markings with its differences, peculiarities, and deficiencies often causes confusion leading to traffic accidents and congestion. Nonuniformity of the messages intended to be conveyed by the signs is an important factor in causing traffic confusion. The size of signs varies greatly. At some points the signs have assumed billboard proportions, at others they are too small to be read with ease. The shapes of signs show considerable lack of uniformity. Octagonal speed limit markers and round stop signs are fairly standard, but in some places shapes are expected to convey too many meanings Route markers and destination signs have been conceived in many different shapes. The colors used on official signs suggest that the range of the color spectrum is being taxed. Instead of the usual yellow and white backgrounds, in many places black, red, and green backgrounds are found. The location of signs is also an important consideration. Some signs have been found to be posted either immediately off the improved surface of the roadway or several feet beyond the ditch line. Other signs are posted a few feet above the pavement or are suspended over the roadway. It is recognized that in every instance a new conception of road signs or a different type of marking has been aimed at an improvement in traffic conditions and at reducing accidents. The problem, of course, is one of achieving the purpose of serving in the most efficient way the needs of the greatest number of the traveling public.

The State Department of Public Works has compiled and made available to the cities and counties a Manual of Traffic Control Devices which is most helpful in securing uniformity of signs, signals, and markings.

Statistical analysis of traffic accidents indicates that from two-thirds to three-fourths of the more serious accidents occur during hours of darkness although only approximately one-third of the total traffic movement takes place during these hours. The necessity to assure adequate visibility of signs at night is readily apparent. Originally all signs were small and low-mounted. Night visibility was provided by utilizing reflectorized messages activated by vehicular headlights. Increased speed of freeway traffic made necessary larger signs, which in turn require greater mounting heights in order that they may be located above the roadway. These larger signs are mounted on posts and bridges at heights of 15 to 17 feet. One of the most disturbing effects resulting from conventional methods of lighting porcelain signs from above is that the light source is "mirrored" in the semiglossy surface of the sign and reflected into the driver's eyes, especially on rainy nights. As a result, the black portions of the sign appear very nearly as bright as the white portions. This reduces legibility significantly. Due to the fact that any improvement in light control in the

case of bracket-arm, top-mounted fixtures will intensify the reflected image, work in this direction does not appear promising. Top-mounted fixtures adjacent to the face of the sign produce glaring reflections only near the top of the sign. During daylight hours top-mounted fixtures produce shadows on the sign panels which reduce legibility. Better methods of illuminating overhead signs should be devised. The Division of Highways is conducting important research in this field, and a number of notable improvements are being developed.

The effectiveness of the length of a message appearing on signs has been investigated. Studies indicate that only a short message of three or four short, simple words can be perceived in a single glance A relationship between familiarity and legibility-distance has also been reported. The more familiar words and place names on signs are recognized at greater distance. The evidence also indicates that wider letters can be seen from a greater distance than narrow ones, both losing about 15 percent of their legibility-distance at night.

The rapidly expanding system of freeways presents new and unique problems of traffic control and regulation. Two basic problems exist in this area. First, there is no formal or official method by which the activities, recommendations, and experiences of all the agencies involved in freeway traffic control can be coordinated. There seems to be be a need for effective coordinating machinery among the agencies responsible for the planning and building of freeways and the agencies responsible for their operation and supervision. Second, it is apparent that the modern highspeed, high-volume highway requires a new set of techniques, policies, and procedures to effect adequate control and supervision of traffic.

Progress is gradually being made in dealing with the new problems. For example, new traffic control devices are being developed to cope with the problem of congestion on freeways. The system of *Sigalert* bulletin broadcasts instituted by the Los Angeles Police Department proved a very effective means of warning motorists to avoid congested segments of the freeway system or other highway areas. Whenever an accident or a stoppage due to any cause occurs and the roadway is seriously congested, a *Sigalert* warning is broadcast to motorists. The congested areas are indicated, and it is suggested that alternate routes be used.

These broadcasts are conducted by about 11 commercial radio and five television stations. As a public service, they interrupt their regular programs to bring these *Sigalert* messages to the attention of the public. The motoring public is gradually learning the value of this service and is making increasing use of it.

This is an illustration of an effective and imaginative technique which along with such devices as radar, television, and the use of helicopter patrol can prove very helpful.

A law which was effective for surface street traffic is not necessarily an effective law for freeway operations. The Vehicle Code needs to be revised in a number of areas to give recognition to special problems created by freeway traffic. Such matters, for example, as minimum speed laws and the rules pertaining to lane changes should be reviewed and revised to make them applicable to modern freeway needs. When

present laws were enacted, the legislature could not have anticipated the operating conditions which exist on the modern multilane freeway.

An analysis of accident data over a period of time indicates that increased police enforcement of traffic laws exerts a favorable influence on accident and fatality rates. With increased enforcement of traffic laws and regulations and more effective supervision of traffic, there is a decrease in accident rates. Among the most important causes of accidents on freeways are: following too closely, unsafe lane changes, speed, and drunken driving. Without adequate patrol manpower on the freeways, these causes are difficult to check. It has been found that motorists tend to reduce their speed and adjust their driving behavior when the highways are adequately patroled.

PART III

SUGGESTIONS FOR IMPROVING THE MOTOR VEHICLE TRAFFIC SITUATION

In the course of the hearings conducted by the committee, a great deal of testimony was received containing many suggestions for improving the traffic situation. The interim committee wishes to express its appreciation to each of the more than 200 witnesses who contributed so much to the work of the committee. In addition, a considerable volume of technical material was reviewed which contained many valuable ideas Some appear to be practical and capable of direct and immediate application; others involve a long-range approach and can only be worked out over a considerable period of time; still others require much future study before their practicability can be determined. The suggestions in the main fall into the following major categories:

A. Development of a program of scientific research;
B. Improving the program of accident reports and statistics,
C. Developing improved methods of coordinating the activities of various authorities having responsibility for matters pertaining to motor vehicle traffic;
D. Improving driver skills and behavior;
E. Improving the safety and performance of the vehicle;
F. Improving the highway facilities;
G. Improving the system of traffic signs, signals and markings;
H. Improving the control of traffic movement;
I. Improving traffic laws and their enforcement.

This part of the report presents the various suggestions received by the committee.

A. DEVELOPMENT OF A PROGRAM OF SCIENTIFIC RESEARCH

Among the suggestions received, many deal with the desirability of conducting research designed to develop techniques for measuring and analyzing driver behavior. Research dealing with a wide range of human behavior factors will furnish needed scientific data on which to base driver improvement programs. Such factors as effects of sleep, certain drugs, driver skills, road hazards, knowledge of vehicle and highway mechanics should be carefully investigated. Research in other areas, such as the design of highways and control of traffic, has also been recommended. Information developed as a result of such research programs will furnish the engineer with data for improving the design of future highways, traffic officials with basic information for more effective regulation and operation of highways, those concerned with driver education with improved material and public safety organizations with more valid and more effective data for public education campaigns.

1. Research in Driver Behavior

Unlike the highway and the motor vehicle, which can be improved by the application of engineering research, it is difficult to analyze the driver and his behavior behind the wheel. The primary objective of driver behavior research is to discover the characteristics of drivers that lead to automotive accidents. More specifically, such research would aim at an identification of those attributes which are associated with accidents. While a great deal of case material has been accumulated by various research agencies, such materials do not permit inferences at satisfactory levels of statistical significance Scientific research would also provide essential data which may permit the discovery of some hitherto unsuspected accident attributes. A valuable by-product of such research may be that variables suspected of having causal relationship with accidents may be isolated to an extent which may make it possible to estimate reliably the sample sizes required for validation of relationships in future research.

An important objective of such research is to stimulate the translation of the information obtained into methods suitable for preventing accidents. Such research would necessitate the use of scientific methodology involving the construction of tests and the standardization of scales on which different aspects of a person's driving can be recorded objectively and reduced to a score. Such a score must lend itself to comparison with other characteristics of the person. Finally, standard scales may be developed covering the more common driving practices involving driver decisions such as control of speed, stopping, turning, or passing. The objective of such a scale is to indicate the degree to which the practice conforms to or is at variance with acceptable standards.

It has been suggested that such research may be based on personal interviews and a questionnaire designed to obtain information on:

a. Volume and kind of driving done on a sample day;
b. Physical and mental health of the driver;
c. Attitude toward driving;
d. Personal data about the driver's home environment.

The selection of the sample of drivers to be interviewed should be preceded by a general observation of drivers in the location selected for research. On the basis of this observation, conclusions may be drawn as to the difference in driver behavior between nonaccident drivers and those involved in accidents.

2. Research in Improved Design and Traffic Control

A laboratory type of study is recommended as most suitable for such problems as speed measures, time spacing between vehicles, and lateral placement of the vehicle on the highway. An extension of the road research dealing with lane counts of traffic has been suggested. Such studies reveal the lateral distribution of vehicles across the roadway at critical locations and assist in localizing congestion areas.

It has also been suggested that a better knowledge of the behavior of drivers who act in an unconventional way, known as erratic drivers, would help to improve directional signing and traffic controls to some extent and therefore studies along these lines would be worthwhile. It

has been recommended that where circumstances warrant and where traffic and roadway conditions permit, the driver should be interviewed directly for his reactions to directional signing. It has been suggested that the Division of Highways conduct research upon directional signing, regulatory measures including speed control, automatic traffic control devices, and means of communications such as emergency telephones or other electronic communication systems.

The attention of the committee has been directed to the fact that there is need for both a long-range and a short-range research program. The long-range program might well be undertaken by such a body as the Institute of Transportation and Traffic Engineering at the University of California with a consulting staff of state and city traffic engineers and other experts. A short-range program may be carried on through regularly scheduled staff meetings of state, county, and city officials concerned with problems of highway design and traffic control. Much useful research, both long- and short-range, could also be effectively carried on by research departments of state government agencies such as the Department of Motor Vehicles, Division of Highways, and California Highway Patrol.

B. IMPROVING THE PROGRAM OF ACCIDENT REPORTS AND STATISTICS

Information derived from accident reports plays an important role in supplying basic information needed for planning and designing of highways. Effective planning is based on the traffic volumes and accident rates, and progressive design is based on the effectiveness of highway features and designs, as shown by the accident experience. Accident studies point out the critical locations in the highway system, and analysis of the accidents provides the best clue to proper corrective measures. The records of the Division of Highways contain numerous instances where corrective measures were initiated on the basis of an analysis of accident statistics. As a result very substantial reductions in accident rates were accomplished.

1. Analysis of Accident Reports

Accident investigations have two principal objectives. The first is to ascertain all the important facts. The second is to determine whether a violation was committed and, if so, to secure adequate evidence to support the prosecution of violators. The validity of these objectives is generally accepted. However, to secure full information about the causes of accidents it is necessary to do more than examine routine reports. At least a satisfactory sample of accidents must be fully investigated in order to evaluate the relationship of the contributing causes. Because adequate, dependable information about causes of accidents is lacking, the entire traffic program fails to achieve optimum efficiency.

Accident analysis is a specialized phase of traffic engineering. It requires *not only an engineering background but also considerable training in the specific field of traffic as well as a knowledge of analytical and statistical methods.*

2. The Development of Accident Statistics

Despite the limited resources available to them, in the past traffic officers have attempted to get considerable information on all accidents. As a result, the information obtained has been neither complete nor sufficiently detailed. With the present limited facilities, only information that is absolutely necessary for administrative purposes should be obtained for all accidents. Time thus saved can be devoted to getting much more detailed analytical information on a sample basis. Such information would facilitate the study of accident causes and be of immeasurable assistance in formulating programs for their prevention.

Three principles related to improving the gathering of accident information by all interested agencies are suggested:

a. A simplification of reporting requirements for drivers with the view to getting maximum compliance and complete coverage of basic information.
b. A reduction in the number of routine statistical summary reports made by the state, counties, and cities.
c. Greater emphasis on analysis of qualitative aspects of accident causes, conducted on a sample basis.

C. DEVELOPING IMPROVED METHODS OF COORDINATING THE ACTIVITIES OF VARIOUS AUTHORITIES HAVING RESPONSIBILITY FOR MATTERS PERTAINING TO MOTOR VEHICLE TRAFFIC

The attention of the committee has been forcefully called to the need for closer coordination of the activities of State and local officials concerned with traffic problems. The establishment of a coordinating group of state and local officials has been suggested. Such a group may be composed of representatives of:

1. The California Highway Patrol;
2. The Division of Highways, including the State Highway Engineer;
3. The Department of Motor Vehicles;
4. City and county traffic engineers;
5. City and county enforcement officials.

There are a number of important problems involving the need for coordinated effort of state and local officials. Illustrative of such problems are:

1. Patrolling the Freeways

At the present time a multiplicity of jurisdictions are responsible for traffic enforcement on the freeways. Normally, the California Highway Patrol does not operate on freeways within city limits, even though it has authority to do so under present law. It was suggested that some of the smaller jurisdictions may find it desirable to contract with the State Highway Patrol for coverage of freeways traversing their jurisdictions. Such a contract would permit uniform law enforcement along freeways that pass through both incorporated and unincorporated areas. On the other hand, in other areas it may be considered more

desirable for local officers to patrol and police the freeways. In such cases the possibility of a state subsidy to permit adequate police staffing may be profitably explored.

2. *Authority to Close Freeway Entrance Ramp*

Doubt has been expressed whether local police agencies have the necessary authority under present law to close freeway entrance ramps, with resulting redirection of traffic, during periods of serious traffic congestions resulting from extremely heavy volumes of traffic. It was suggested that consideration be given to a plan which would permit coordinated action between local police and traffic agencies and the Division of Highways in considering the circumstances under which local authorities may exercise judgment in closing freeway entrance ramps.

3. *Consultation With Local Authorities*

It has been suggested that local authorities should be more frequently consulted for recommendations as to proper place names for use on signs, directing the motorist as to the availability of service facilities such as gasoline service stations, garages, restaurants, and motels so that these may be adequately identified for the driver. Such consultation with local authorities is important when facilities are being planned which would involve substantial traffic volumes originating in or destined for certain communities.

D. IMPROVING DRIVER SKILLS AND BEHAVIOR

1. *Driver Education and Training*

The importance of driver skill and behavior has been repeatedly emphasized by many competent witnesses. An extended program of driver education and training has been recommended, therefore, as the most effective approach to the problem of improving traffic safety. Expert opinion has been expressed that the great majority of traffic accidents are caused not by the physically handicapped driver or one with a maladjusted personality, but rather by normal individuals who may be unaware that they have some dangerous driving habits There is therefore every reason to believe that an educational approach to the problem will be more effective than an approach based on pleading and threatening.

a. Driver Education in High School

The ever increasing volume of automobile traffic on streets and highways makes traffic safety more and more important as an element in the program of high school studies The social and civic problems caused by incompetent and irresponsible drivers presents a challenge to the schools which is great and urgent.

It has been suggested that all high schools should adopt a minimum program calling for 30 class hours of instruction in automobile driver education. An additional training period of six hours behind the wheel and 6 to 18 hours as an observer has also been suggested.

Since the minimum legal driving age for most California youths is 16 years, it is recommended that driving instruction be provided in the tenth grade or at the beginning of the eleventh grade. The importance of exposing the children to scientific driver training before they acquire bad driving habits outside has been repeatedly emphasized.

b. Training in Industry

Large business organizations employing many drivers may well consider the advisability of establishing training programs for their drivers. Such training programs would emphasize the technical aspects of operating complex vehicles, correct driving habits, courteous road behavior, as well as the traffic laws of the several states in which the driver may be expected to operate. Drivers should also be encouraged to attend safety meetings arranged by the companies.

c. Refresher Course for License Renewal Applicants

A refresher course for license renewal applicants has been recommended. Applicants may be required to attend a short night class in driver education prior to the renewal of their licenses. Such a training program can be easily adapted to serve other objectives. It can be made a part of general adult education. Moreover, those applicants for licenses who have not had training courses in school and are applying for a driver's license for the first time may be required to attend classes before taking their license examination.

d. Visual Aids in Driver Education Program

It has been recommended that extended use be made of slides and films in driver education programs It has been observed that a half hour of a good visual presentation can accomplish more than hours of classroom lectures. This is especially true with respect to developing a comprehension of traffic accidents. The use of tape recorders can be effectively combined with slides and films. Sound can be used to indicate in advance the important things to look for in visual presentation

e. Public Education on Traffic Problems

Greater public awareness of traffic hazards, of factors responsible for traffic accidents, and of the importance of developing good traffic habits is urgently needed. Agencies responsible for traffic regulation and traffic law enforcement should develop programs designed to stimulate such public awareness through newspapers, radio, TV, pamphlets, motion pictures, and public platform work. Competent staffs should be available to speak to luncheon clubs, social groups, P.T A. meetings, hot-rod clubs, lodges, and schools. Special emphasis can be given to particular causes of accidents to fit certain occasions. During Christmas time, for example, the emphasis may well be on drunken driving; for the long holiday week ends, speed may be the keynote of the presentation. Training films and movies on traffic safety may be shown at theaters, on TV programs, in schools, and in clubs.

2. Driver Licensing

Numerous witnesses have testified that public confidence in our present licensing procedures suffers because of the general awareness that many incompetent persons are permitted to operate vehicles on the highways. Witnesses maintained that in spite of the fact that California has for a number of years had a negligent driver law, no satisfactory method apparently has been devised to deprive the constant violators and accident repeaters of their driving privileges though they have amply demonstrated their unfitness to drive under modern traffic conditions. Driving licensing procedures must fulfill the important role of supervising the extension of the privilege to drive. These procedures should assure that only the competent drivers are licensed and that the irresponsible, careless, reckless, or incompetent drivers are denied the privilege of driving or have it restricted in some way This would lead to the gradual improvement in competence and responsibility of individual drivers with a resultant improvement in mass driving habits.

a. Improving Licensing Procedure

It was suggested that sufficiently high licensing standards be instituted and maintained to encourage individuals seeking licenses to attain a higher degree of driving qualifications prior to the time they obtain their licenses. The institution of a strict post-licensing control program has also been advocated.

b. Higher Driver Examination Standards

It has been suggested that the driving test time should be increased from the present 12 minutes to at least 20 minutes. A longer examination period will enable the driver to be more relaxed. As a result he will demonstrate more accurately what he does in the course of normal driving rather than attempt to do what he thinks the examiner wants him to do Consequently, the evaluation of his driving skills and habits in the course of the test can be more accurate.

It has also been suggested that the number of items in the written test be increased so that they may cover more of the areas of driving practice. The language of the test should be simple enough for every applicant to understand.

The importance of testing vision has been particularly stressed and the value of modern vision-testing devices, such as an Ortho-Rater which is being increasingly used in California, has been emphasized. This instrument makes possible vision testing in terms of standard light intensities and standard distances. As a result, much more uniform results of tests can be obtained in the various examining stations throughout the State. The more modern instruments make possible the testing of five different visual functions, whereas the older testing facilities permit testing of only one function, namely, visual acuity.

In addition to improving the general vision test, the desirability of administering an adequate night vision test has also been suggested. Three characteristics are generally considered important with respect to night driving vision. One is ability to see against glare, another is ability to recover from glare, third is ability to see under low illumination. These characteristics are all susceptible to measurement and can be tested in about 30 minutes.

c. Re-examinations for License Renewals

The value of complete re-examination of all drivers at regular intervals or at the time of the application for a renewal of license has been advocated.

It has been pointed out that in those states where such a procedure is followed it has been found that the percentage of rejections on the renewal examination is sometimes higher than it is on the original examination. This would seem to indicate that many drivers acquire, during the interim period of licensing, bad habits or do not learn new laws, or they develop some physical or mental condition which lowers their standard as a driver. Such a periodic re-examination would help to improve driving standards and therefore would reduce the number of violations of traffic laws. Re-examination is also considered essential for those individuals who are involved in serious accidents, particularly if the causes of the accident are traceable to careless or incompetent driving.

d. Handling Traffic Violators

It has been recommended that each municipal jurisdiction should have a traffic school for the accident repeaters. Such individuals should be subjected to instruction on safe driving practices and traffic laws and regulations. Counseling services for drivers of all ages, whose driving record is approaching the point of license revocation, has also been recommended. Another recommendation has been for the expansion of the present driver improvement program, conducted through the Department of Motor Vehicles. The principal objective of this program is to interview all serious violators in order to determine the basic difficulty behind the individual's apparent inability to drive safely. If possible, special tests may be administered in order to find out the underlying causes of the accidents.

Such interviews and tests may best be conducted in traffic schools which may also serve as a clinic for the administration of four basic tests. These tests should cover:

(1) Knowledge of traffic laws and of the physical laws governing the movement of a vehicle such as braking distance, visual limitations, reaction time.
(2) A psychophysical test for vision, muscular imbulance, reaction time, and judgment of speed.
(3) A test for mental capacity, including reasoning power, number sense, word fluency, and verbal meaning.
(4) A diagnostic interview designed to bring out the pertinent facts concerning the driver's background.

The results of such tests may be used as guides in prescribing corrective measures.

e. Penalty and Suspension of Licenses

It has been suggested that the driver's license of the violator should be forfeited at the time of the violation and a temporary card issued in its place. In order to get back the license, the violator would have to appear in court, stand trial, and pay a fine.

The license would be returned to him with a distinct marking on it to the effect that a violation has been committed. Moreover, drivers who lose their licenses might be required to pay a higher fee to get a duplicate copy.

f. Licenses for Driving More Complex Equipment

Considerable dissatisfaction has been expressed with the present law, which permits owner-operators to drive complex vehicles such as trucks and special equipment with an ordinary operator's license without subjecting them to the type of license examination required of professional drivers. It has been suggested that a uniform examination for all commercial vehicle drivers be instituted Licenses to operate vehicles should be issued only on the basis of the driver's demonstrated ability to drive the type of vehicle which he intends to operate. Whether such a driver works for wages, is an owner-operator, a casual or part-time driver is not a relevant consideration Drivers of towing trailers and house trailers should also be subjected to special examinations. The operation of such equipment requires additional judgment and skill such as knowledge of horsepower and braking distance. It is therefore important that such drivers should be exposed to proper examinations. The same considerations apply also to drivers of rented trucks and other equipment of a complex nature.

3. Rewards for Excellence in Driving

a. Special Recognition and Awards

Considerable evidence has been presented to the effect that a positive approach to the problem of driver behavior is highly desirable. In addition to adequate punitive programs for violators, the initiation of some positive and constructive program of rewarding drivers with outstanding safety records has also been recommended. It has been suggested that for a given number of miles of accident-free driving a driver may be given some form of reward.

Such a reward may take the form of money, a plaque, a trophy, or a special distinctive license. It was felt that such a program would encourage safe driving.

b. Insurance Incentive

A number of witnesses have expressed the thought that substantial incentives to safe driving may be provided by differential insurance premium rates designed to reward the drivers with outstanding safety records with lower premium rates. One insurance company already grants recognition to drivers with accident-free records by establishing a "claim free" discount rate. Another insurance carrier allows a premium discount which increases progressively 1 percent for every year the policyholder does not report a claim. It was suggested that the extension of such practice by insurance companies would have a beneficial effect in that it would provide an incentive to careful driving.

E. IMPROVING THE SAFETY AND PERFORMANCE OF THE VEHICLE

The results of research conducted at Cornell University indicate that the principal causes of bodily injuries sustained by individuals in automobile accidents are opened doors, the steering wheel assembly, the windshield structure, and the instrument panel.

Other research, conducted by the National Safety Council, revealed that one out of five cars needed general maintenance attention, one out of 16 failed in the brake test, and one out of 13 was without working rear lights.

Progressive vehicle design results in constantly improving performance of new cars. The greater ease in driving the new cars leads to greater safety of operation. Instant acceleration, modern power steering, and brake action are especially important in controlling a vehicle when split-second decisions are involved. However, the older vehicles generally lack the modern devices with which the newer vehicles are equipped. Because so many vehicles appear to be in an unsatisfactory condition of maintenance, it has been suggested that compulsory motor vehicle inspection is desirable. Other witnesses have expressed the view that compulsory inspection would not achieve the desired results.

1. The Pros and Cons of Compulsory Vehicular Inspection

The arguments presented to the committee for and against compulsory inspection are summarized below.

a. Arguments for Vehicular Inspection

Proponents of compulsory inspection argued that the main purpose of periodic vehicle inspection is to discover dangerous maladjustments and to prevent accidents by correcting the defects in time. It was alleged that the following benefits result from a program of compulsory motor vehicle inspection:

(1) It improves the general mechanical condition of the vehicle.
(2) It maintains an automobile at a higher value level by lessening depreciation.
(3) It affords opportunity to check actual motor and serial numbers on the vehicles against registration certificates and in other ways assists in the enforcement of motor vehicle laws.
(4) It improves the quality of garage workmanship in making adjustments and repairs.
(5) It provides an excellent opportunity for informing drivers about the conditions of their cars and their responsibility for maintaining them in a safe-driving condition.
(6) The psychological effect on the driver is considerable. The motorist who has been shown that his brakes meet only the minimum requirements will tend to drive more carefully pending proper adjustment.
(7) Inspection also helps to keep car owners aware that certain parts need periodic attention and that it is less expensive to have the vehicle checked regularly and kept in a state of good repair than to wait until a breakdown occurs.
(8) Rejection of a vehicle informs the owner that he is driving an unsafe car and that as a consequence he is liable to be held as the negligent party in the event of a collision with a car that has been properly maintained.

(9) The driver who subjects his car to periodic inspection tends to cooperate with enforcement officers and the general public in the observance of traffic rules and regulations.
(10) Periodic inspection provides for the motorist an inexpensive maintenance service not elsewhere available.

b. Arguments Against Vehicular Inspection

Opponents of compulsory inspection argue that:
(1) Only a comparatively small percentage of accidents is attributable to mechanical failure.
(2) It is a financial burden upon the public.
(3) It causes inconvenience to public during inspection periods, especially in state-owned and operated stations.
(4) It permits politicians to control inspection activities and therefore opens the door for potential abuse of power.
(5) Automobile dealers, operators of repair shops, and service stations have an opportunity to gouge the public by making unnecessary repairs, by charging excessive prices for services rendered, or exacting high prices for parts which must be replaced before inspection approval is granted.
(6) Motor vehicle inspection adds one more government function to a rapidly growing list of governmental activities.

c. Types of Compulsory Inspection Systems

Three different methods of setting up a system of compulsory motor vehicle inspection have been outlined. They are as follows:
(1) State-owned and Operated Stations
(a) Under such a system the State buys or leases buildings, purchases the equipment, hires supervisors and inspectors, and has complete jurisdiction over the entire operation of the inspection stations.
(b) Municipally Owned and Operated Stations
This type of inspection service operates under a city ordinance and a state enabling act permitting a municipality of a certain size to conduct its own inspection program.
(2) Private Stations Appointed by the State
Under this arrangement inspection stations operate under a state inspection law empowering the State to appoint garages or service stations to conduct inspections under rules and regulations established by the State, including the control of fees charged for the inspection service.
(3) Combinations of Systems
Although no state at the present time is using a combined system of state and private inspection, it is at least theoretically possible to have a program combining the use of state-owned and operated facilities and privately owned facilities subject to state control.

2. Special Safety Requirements in a Vehicle

An extensive body of evidence has been presented in the course of the hearings on the desirability of instituting a number of requirements setting standards for various parts and items of vehicle equipment.

The institution of such standards of performance and design, it was alleged, would add a great deal to safe operation of vehicles and would result in the reduction of accidents. The following specific suggestions were made:

a. Steering Wheels

Deep center steering wheels were recommended which would distribute the impact force over the driver's chest and depress under pressure, absorbing energy as the spokes yield and bend out of the way without making contact with the body. Such a steering wheel design, it was alleged, would substantially reduce the number of injuries resulting from the impact of the steering wheel upon the driver's chest.

b. Door Locks

The rotor of the locks should be so constructed that it fits behind a lock plate on the striker part of the latch. An arrangement of this kind would keep the lock from disengaging when the door and pillar tend to spring apart during a crash. Such locks would substantially reduce the hazard of occupants being thrown from the vehicle in case of a collision.

c. Rear View Mirrors

Rear view mirrors should be backed with a plastic material which will reduce the possibility of the glass falling out if it is shattered.

d. Safety Belts

All cars should be equipped with seat belts which are anchored to the floor structure over a transverse reinforcing member. Such seat belts would keep the strapped-in passengers within the vehicle. They would also keep them away from such injury-producers as the windshield area and door components. The driver would remain in position behind the wheel in the event of a collision.

e. Safety Cushioning for All Instrument Panels and Sun Visors

The header bar, sun visors, and instrument panels should be padded. Safety cushioning would reduce the facial injuries because it will protect the occupant from the sharp edges of the wrinkled or torn dash metal. The padding also distributes the force over a greater area and absorbs energy.

f. Mirror on the Left Door

It was suggested that a mirror on the left door should be required as standard equipment. With the aid of such a mirror motorists can better see following vehicles about to pass them, especially in merging traffic. Without a left door mirror, the tendency to turn one's head increases the risk of a rear-end collision.

g. Lights

(1) Tail Lights

Two tail lights should be required as standard equipment on all motor vehicles. Since most of the cars already are equipped with two tail lights, it was suggested that such a requirement be made universal and should extend to street cars and motorcycles as well.

(2) Stop Lights

Two stop lights should be made required standard equipment for all motor vehicles. Morover, a one-half inch red pilot light on the dash board, visible to passengers in the car, should be required in order that the driver may always see when the stop lights are on and therefore be in a better position to control their use.

(3) Back-Up Lights

All passenger cars should be equipped with two white back-up lights. Such lights should not be placed above tail or stop lights. All false objects simulating back-up lights should be removed. These lights should be automatic. However, to permit the use of a manual switch, a one-half inch white pilot light installed on the dash board is recommended in order to inform drivers that the switch is on.

h. Hood and Headlight Ornaments

Consideration to safety features should be given in the design of hood and headlight ornaments. Projections over the headlights tend to obscure the vehicle from the vision of others who are driving at right angles at night. Moreover, such ornaments often become deadly weapons. Cases have been recorded of deaths caused by the fancy hood ornaments piercing the bodies of victims. Projections on bumpers or headlights are also the frequent cause of damage to parking lights.

i. Signaling Requirements

It was recommended that turning signals (Class A Type 1) should be standard equipment on all four-wheel motor vehicles, including street cars. Two- and three-wheel motorcycles should be exempted from such turning signal requirements but should be equipped with some simple flashing turn signal device.

Buses should be equipped with an additional signal located on each side near the front above the tires. The signal would flash to the rear for the purpose of warning parallel and passing vehicles of the driver's desire to pull away from curb or to change lanes. The rear turning signals on buses should be a separate unit installed above the tail light as is now required in Buffalo, New York, and a number of other cities.

In bright sunlight, when electric signals are not clearly visible, hand signals should accompany electric signals. Motorists entering streets from a parking lot or a driveway should be required to give hand signals due to insufficient light from electric signals at right angles.

j. Reflective Tape on Doors

The inside part of the outer edge of every door opening out into the flow of traffic should have a red piece of reflecting material to warn closely following drivers at night that the door is open or is being opened. Consideration should be given to the installation of an automatic red light for this purpose in all future models.

k. Emergency Highway Flares

Emergency flares have been recommended as an effective safety device. A minimum requirement of three 15-minute flares should be imposed on all four-wheel motor vehicles, except those otherwise designated by the Public Utilities Commission. Some witnesses suggested that six flares would be even more desirable. The use of flares containing nails or spikes should be prohibited because they puncture tires of other motorists. These flares may be located for quick access in a recessed part of the left inside door or underneath the dashboard.

l. Fire Extinguishers

All four-wheel motor vehicles should be required to carry fire extinguishers. Such extinguishers, it was alleged, would be most useful in cases of motor fires or burning gasoline. A vehicle burning on a freeway would very likely be totally destroyed before fire fighting apparatus could arrive. Fire extinguisher equipment would make it possible for motorists to fight their own automobile fires and to render assistance to each other in emergencies.

m. Bumpers

A number of suggestions were made with respect to bumper design.

(1) Bumpers should be of the right height, width, and proper vertical extension to minimize locking bumpers with other vehicles.

(2) Bumpers should be so designed that light from the sun and headlights will not be reflected into the eyes of the approaching motorist due to excessive chrome trim used.

(3) Bumpers should be sufficiently sturdy to push another stalled vehicle.

(4) The height of bumpers on all vehicles, trucks as well as passenger cars, should take into consideration the height of most truck and truck combination bodies in order to reduce the chances of a passenger vehicle following a truck from going under a truck or semitrailer due to inability to bring this vehicle to an abrupt stop This has been the cause of a number of serious accidents resulting in complete destruction of the passenger vehicle and the death of its occupants.

(5) Similarly, trucks and semitrailers should be equipped with protective guards extending downward from the bumpers to afford protection to passenger vehicles which follow them.

n. Basic Items Recommended for All Vehicles

It was recommended that all passenger vehicles carry certain basic items of equipment. Among the items suggested are:

(1) A supply of fuel properly protected in the trunk from any damage;

(2) A spare tire in good condition;

(3) A bumper jack and wheel replacing tools;

(4) A flashlight;

(5) A first aid kit;

(6) Pencil, paper, and accident report forms.

3. *Muffler Noises and Exhaust Emissions*

A considerable body of testimony was received by the committee relative to the related problems of muffler noises and exhaust emissions. The need for some corrective action in this area has been repeatedly emphasized and a number of suggestions were made.

a. Legislation, industry standards, and driver education have been suggested as appropriate methods for dealing with this problem. Unusual or excessive noise should be legally defined and maximum permitted levels of noise set by law. This may require the differentiation of various classes of vehicles and the establishment of different noise levels for trucks, passenger cars, and motorcycles. The law with respect to permissible noise levels, it was advocated, should be as general as possible. The details of enforcement should rest in the hands of enforcement officials.

b. Industry standards should be adopted, establishing recommendations to be followed by all motor vehicle manufacturers. The Automobile Manufacturers Association already approved acceptable standards (a 125 sone noise limit) of maximum allowable loudness for all new cars. This, it was maintained, would take care of the situation eventually, when the entire automobile population on the highways will have been equipped with mufflers manufactured according to such standards However, since it is not feasible to install new exhaust systems in all the vehicles now in operation, the best method for meeting the present situation is to emphasize the enforcement of existing laws which require that all vehicles must be equipped with mufflers in good operating condition.

c. The public relations aspects of motor vehicle noises and exhaust emissions are very important from the point of view of associations representing automobile owners and particularly truck owners and operators. It has therefore been proposed that industry should adopt its own reasonable specifications for noise control and should police itself.

d. Driver education in the area of noise control is very important. Even the best designed muffler system can be made to sound noisy if the vehicle operator deliberately tries to do so. Moreover, a driver who pays no attention to the noise his vehicle can produce can inadvertently create loud and offensive noise. On the other hand, if he chooses to do so, an operator can control an ordinary vehicle so that it makes comparatively little noise.

F. IMPROVING THE HIGHWAY FACILITIES

The driver and his behavior and the motor vehicle and its condition were recognized throughout the hearings as the principal elements in traffic safety. However, an appreciable amount of testimony was also presented on the importance of adequate road facilities. In the course of the testimony it has been emphasized that every mile of the State Highway System has been analyzed by highway engineers to determine structural condition, accident records, and ability to carry present and anticipated volumes of traffic at reasonable speeds. Sections of highways found to be so far below desirable standards that continued use

would be hazardous and uneconomical were classed as deficient. As a result of extensive highway research, it has been concluded that the growing volumes of intercity and intracity traffic make necessary a system of multiple-lane freeways which can accomplish the swift movement of tens of thousands of vehicles without the interruption caused by signals and cross traffic.

There are, two almost completely different although closely related aspects of the total motor vehicle transportation problem. The first is concerned with the planning, design, and construction of adequate highway facilities. The creation of the highway plant requires considerations of highway finance, economics, and engineering. It requires plans based upon anticipated economic development of the State. The growth of commerce and industry, the requirements of agriculture and forestry, the changing population patterns, and changing patterns of land values and land use must all be thoroughly considered in planning the future highway plant.

The second aspect of the problem concerns itself with the efficient operation of the highway plant after it has been constructed. The efficiency with which highway facilities are utilized not only is basic in improving safety, conserving life and property, and effecting economies in time, but also has a direct bearing upon future highway plant requirements. The more effectively the present facilities are utilized the more economies can be effected in planning future requirements, and the greater is the justification of investment in the highway plant. The operational aspect of motor vehicle transportation concerns itself with the driver, his training, licensing, and behavior, the vehicle —its maintenance and operation—, the rules of the road, the system of traffic control including signs, signals, and markings, and the enforcement of traffic laws.

1. *More Rapid Construction of Freeways*

Among the witnesses who appeared before the committee there was general consensus that the surest way to reduce the congestion on the freeways is by expediting the completion of planned freeway routes. The experience of Los Angeles is particularly instructive. A report, prepared by the Los Angeles Police Department, indicates that the population of the city of Los Angeles increased from 1,575,000 in 1941 to 2,104,663 in 1953 and that motor vehicle registration during this period increased by 376,269—from 608,485 to 984,754. The same report pointed out that in 1941 the estimated 24-hour traffic volume for the then existing 5.6 miles of freeways was 42,000 vehicles. In 1954 the estimated 24-hour traffic volume for the 25.5 miles of freeways in operation was 560,000 vehicles, an increase of 518,000 vehicles.

These figures indicate the urgent need for an extended network of freeways to handle the ever-increasing traffic volume.

2. *Planning of Freeway Routes*

The planning of freeway routes involves many important considerations involving alignment and design. The location of various systems of traffic interchanges at important cross arteries to keep construction costs and right of way costs to a minimum must be taken into consideration. Effort should be made to avoid damage to expensive installations. An effective and continuing liaison is needed between motor vehicle

manufacturers and road builders to promote closer coordination of vehicle design and the geometric and structural plans for the roadways.

3. Improvement in Design

Although the highways of California are justly considered among the very best in the nation, the rapid growth of the State and ever increasing volumes of traffic present a constant challenge to the designer. A number of suggestions were made for improving the design of highway facilities.

a. Ramp Connections to Freeways

The basic problem in designing exit and entrance ramps is the establishment of proper minimum spacing between ramps. The location and design of ramps must be coordinated in such a manner as to allow easy, unhurried weaving and merging maneuvers to take place. Traffic studies show that where ramps are closely spaced on high volume freeways, as many as one-third of the total freeway accidents will occur at the on- and off-ramp connections. Under such conditions the off-ramps are far greater accident generators than the on-ramps. It was suggested that off-ramps should be spaced sufficiently far apart to allow enough distance for adequate geometrical design and advance signing. Geometric design involves the consideration of the length of the curvature of interchange lanes, acceleration and deceleration lanes, and adequate weaving distance between ramps.

The advisability of fewer on- and off-ramps has also been suggested.

b. Uniform Placement of Entrance and Exit Ramps

The importance of uniformity in the placement of entrance and exit ramps on the freeways has been emphasized. Some ramps are now so located that the incoming traffic enters from the left This is unexpected on a freeway since ordinarily the incoming traffic enters from the right. As a result the approaching driver is suddenly confronted with a new situation he has no reason to expect.

c. Longer Lanes for Incoming Traffic

Whenever incoming traffic merges with a fast-moving stream of vehicles, a definite hazard is presented. This is especially true when the merging lane is short and the driver's visibility is impaired. It was recommended that longer acceleration lanes should be considered for incoming traffic

d Storage for Disabled Vehicles

The roadway portions of freeways should be so designed as to provide wide enough shoulders to accommodate disabled vehicles. The median strip could be so designed as to permit a barrier down the center, if considered necessary, and still provide room for a disabled vehicle on either side of the barrier. The rolled curbs should facilitate entrance to the median strip when access is required in an emergency.

e. Grade Level

The effect of trucks on the movement of the traffic stream is obviously more pronounced as upgrades are encountered. Even on level terrain, the typical commercial vehicle is equivalent in capacity utilization to approximately two passenger cars. On rolling terrain, the effect of one commercial vehicle on capacity utilization is equal roughly to four passenger cars, and in mountainous areas the effect is still greater.

In freeway design, where appreciable numbers of trucks must be accommodated on upgrades, provision should be made for an additional lane to accommodate the slower moving heavy vehicles. This has the dual advantage of providing additional capacity and segregating the vehicles by lanes according to their operating speed.

f. Interroad Access for Emergency Vehicles

Provision for interroad access has been recommended for emergency police, ambulances, and other vehicles used officially in the service functions associated with the operation of freeways. Such special connections, however, should be restricted to official use only.

g. Weaving Distance

The necessary weaving distances vary geometrically with average speeds and the number of traffic lanes. If a facility is so crowded that all lanes are filled solidly with moving traffic, even extremely long weaving distances are of little avail since the motorist cannot change lanes to get to his exit point. Research has been recommended to determine the maximum desirable frequency of lane interchanges without creating an excessive traffic turbulance, as well as to determine what type of lane interchange works most effectively under various traffic conditions.

4. Surface Street Development

It has been suggested that more consideration be given to the development of strategic surface streets along with the construction of freeway routes Properly selected and developed, such streets could serve as excellent alternate routes for freeways. The alternate routes should be properly designated with directional signs placed at appropriate locations to enable those who do not desire to use the freeway to take the alternate surface street instead. This, it was maintained, would contribute to the reduction of congestion on the freeways

G. IMPROVING THE SYSTEM OF TRAFFIC SIGNS, SIGNALS, AND MARKINGS

The role of traffic signs is becoming increasingly important with growing volumes of vehicular traffic and as more and more multilane freeways and expressways are constructed. The speed and volume of traffic and the complex interchanges on the freeways require signs which must be recognized and understood at a glance, both during the day and at night.

There are three general types of traffic signs in use today.

1. Warning signs—to caution drivers of the need for added alertness or reduction in speed;
2. Regulatory signs—to inform motorists of regulations governing vehicle movements;
3. Guide signs—to give the driver directional information.

Extensive highway improvement removes much traffic from congested business streets. Through traffic is diverted to the newly constructed routes, generally freeways, which bypass main business districts. This makes adequate directional signing of great interest to many communities and areas throughout the State. The state-wide scope of the problem requires that it be treated on a uniform, state-wide basis. Among the recommendations received for improving the state-wide system of traffic signs, signals, and markings were the following:

1. Increasing the Number of Directional Signs

More signs should be posted not only on the freeways but also on the surface streets, giving clear direction as to entrance to the freeways.

2. Location and Placement of Traffic Signs

Proper location and placement of traffic signs is vitally important. The consensus of expert opinion is that, on the whole, overhead signs are more effective than the shoulder type of sign. Overhead signs, installed on sign bridges or masts, are particularly effective on multilane highways. Such signs are less subject to obstruction by trees, shrubbery, and moving cars. They are also visible to all approaching traffic in all lanes. Moreover, freeway traffic normally moves at such high speed that it is difficult for drivers to see clearly and recognize quickly pavement markings or signs posted on sides. Internally illuminated signs can be mounted at any desired height since they are not dependent on automobile headlight beams for their effectiveness.

3. Legibility of Signs

Signs should not be crowded with superfluous information. The listing of one destination or the name or number of a highway is generally adequate and causes less confusion than a multiplicity of places and numbers appearing on one sign. The size and proper spacing of letters were emphasized as important factors in the design of traffic signs. At certain distances, parallel lines tend to merge and appear to the human eye as one line. After the desirable letter height is determined, care must be taken to assure proper spacing between the letters and lines in relation to the distance from which the sign will be viewed.

4. Illumination

Since daytime traffic is heavier than nighttime traffic, emphasis must be placed on the importance of achieving proper nighttime illumination without sacrificing daytime legibility. Electric signs must be good "daytime readers" as well as "nighttime readers." Internally illuminated signs readily fulfill this requirement since they are clearly legible during the day. Moreover, they can be illuminated with a lower scale of intensity than signs dependent upon an exposed light source. It is therefore possible to obtain maximum legibility around the clock with

the same sign and at the same time better control of nighttime legibility.

Signs with a luminous light background area attract the eye more readily than signs with dark backgrounds. This is obviously an important consideration since signs must be seen before they can be read.

5. Advance Warning to Slow Drivers

Installation of more signs giving advance warning to slow drivers, such as "Slow Traffic Keep Right" and "55 M.P.H.," was recommended. The slow driver who stays in the left lane and forces other cars to pass him on the right is not only a constant safety hazard but a factor responsible for traffic congestion. Warning signs spaced periodically would serve as a reminder to slow drivers that they should either increase speed or change lanes.

6. Off-ramp Approach Signs

At 55 miles per hour a car travels approximately 82 feet per second. Signs placed even 1,000 feet in advance of an off-ramp allow the driver only 12 seconds to react and get his car into the proper lane. This may be sufficient time for the driver who is familiar with the road but not for a stranger. In unfamiliar surroundings a driver may easily cause a serious accident attempting to get to the off-ramp without proper advance notice.

Due to the lack of identifying features, such as distinctive buildings and street intersections, freeways have a uniform appearance which make directional signs of great importance.

As traffic volume increases to full capacity, the task of changing lanes becomes more difficult and greater distance is required for the driver to move over to the proper lane for a turn-off. This makes it imperative that signs indicating the proper lane for the next turn-off be placed a considerable distance in advance of the turn-off so that drivers will know the approximate distance to the off-ramp they expect to use.

It has been suggested that signs be placed indicating the next three exits ahead and the distance thereto in miles to the nearest tenth in order to inform the drivers of the general location and the distance to the exits they are seeking. Such signs should be located as near as practical following an exit. When an exit is passed, its name is removed from the top line and the name of the next exit ahead moves up to the top position. A new exit name and distance is then added at the bottom. The names for the exits could be street names, road names, route numbers, or any other designation which best suits local conditions. It has been stated that the desirable distance for the first indication of a turn-off from a metropolitan freeway is one mile.

7. Temporary Signs at the Entrance to and Egress From Freeways

Temporary off-ramps should be provided at strategic locations to enable vehicles to leave the freeways when extreme congestion makes the normal movement of traffic impossible. These ramps would normally be closed by gates or chains but could be opened by police when necessary.

At entrance ramps, electric signs operated by remote control could be installed. Such signs may be turned on when it is necessary to warn the public not to enter the freeway because of extreme congestion.

8. *Uniform System of Signs and Markings*

It was suggested that traffic signs and markings should follow uniform standards and be placed in accordance with uniform practice, as encouraged by the manual on uniform signs developed by the California Division of Highways. Wherever encountered, such signs and markings would have the same meaning and require the same action on the part of motorists State-wide uniformity on country roads, city streets, and state highways would minimize confusion and contribute materially to safe, orderly, and expeditious movement of traffic.

9. *Delineation of the Highways*

A broad white line painted on the outside of the highways to delineate the contour of the road, similar in appearance to the conventional line marking the center of the highway, has been suggested. It was maintained that such a marking would have a beneficial effect because it would tend to keep the driver from driving too close to the shoulder of the road. Psychologically it permits somewhat more relaxed driving as a result of knowledge that the vehicle is being driven in the proper alignment.

H. IMPROVING THE CONTROL OF TRAFFIC MOVEMENT

Control of the movement of traffic is another important factor in the total operation of the highway plant. Particularly important is the control of traffic on freeways. It is probably inevitable that more and more motorists will crowd the freeway facilities after experiencing the advantages of safe, rapid, and uninterrupted travel. As the reputation of these marvelous highways spreads, traffic reaches volumes well above the highest capacity estimates made prior to their construction. With such heavy utilization, it is very important to maintain a free and rapid flow of traffic since even a momentary stoppage can be most serious.

An ordinary rear-end collision during a rush hour period on a freeway has a more far-reaching effect upon traffic congestion than a much more serious collision occurring on a surface street. The instantaneous build-up of congestion behind such an accident quickly reaches staggering proportions. In a matter of minutes after such a collision sizeable segments of the freeway system become inoperative.

Competent traffic engineers are convinced that the fault does not lie in the design of the freeways. Except for a few isolated instances, these expressways are properly designed. They have been engineered for maximum safety and rapid movement. The principal difficulty is operational in nature. Successful operation of freeways requires a traffic control plan which will make possible an orderly flow of traffic, expeditious handling of accidents, and prevent sudden and large-scale build-ups of congestion.

1. *Use of Electronic and Radar Devices to Control Traffic*

Electronic control devices can be used to measure the density of traffic flow and adjust the frequency of traffic signals in such a way as

to keep the heaviest stream of traffic on the move without damming up the lighter stream. These new devices can count the cars with lightning speed, compute the needs, and automatically set the traffic signals accordingly.

Radar detection is another comparatively new development in traffic control. It is used to combat the dangerous speeder. The speed of each passing car is recorded automatically by bouncing microwave impulses on graph paper. When an approaching car is dangerously exceeding the permitted limit, the monitoring officer radios the description of the speeding car to other officers down the road and the offender is stopped.

The "speed watch" is another new system of speed detection. It operates by measuring electrically a car's speed between two cables stretched across the road. The job of traffic control is to keep traffic flowing with greatest efficiency and safety. Electronic devices promise to provide effective methods for accomplishing this objective. The cost of electronic aids, although quite high as yet, is largely offset not only by the time and money saved as a result of more efficient traffic movement, but also by specific savings in enforcement manpower.

2. *Use of Television in Traffic Control*

Television can perform several vitally important functions in combatting accidents and congestion on freeways.

a. It permits the immediate detection of accidents and congestion areas at the point of their occurrence and in sufficient detail to allow the traffic control personnel to evaluate the situations.
b. It can be made a part of an over-all traffic control plan. Such a plan would enable the observer to dispatch police, fire, and emergency vehicles instantaneously and would permit rapid control of lane and ramp movement. Besides being an effective device in over-all traffic control, television presents an excellent opportunity to study the behavior of traffic at ramp connections with the expressway or freeway at interchange points, and other critical sections of the roadway.
c. Since accidents and congestion tie-ups often occur at specific locations on the freeways, television furnishes an excellent means for the study of such locations with the view to establishing the underlying causes of accidents and determining whether the design characteristics of these sections of the freeway are conducive to high accident frequency. The use of television for traffic control on expressways is therefore a valuable potential device for the study of possibilities in design improvement as well as for accident research.
d. The use of television may also help solve one of the most immediate and frustrating problems—the traffic complications of peak-hour congestion. Properly spaced cameras along freeways furnish the traffic officers with an "all-seeing eye." Operators located in a central place could detour and redirect traffic as may be advisable by flicking on lights on signs over freeway lanes when jam-ups occur, directing drivers to use alternate facilities
e. Television could also prove very useful for the rapid dispatching of emergency vehicles to the locations of accidents, thus reducing dangerous delay.

3. Use of Helicopters

The use of helicopters in traffic control has been recommended. Traffic enforcement agencies could use such craft as mobile elevated platforms from which congestion volume, lane patterns, and traffic complications can be observed and suggestions for corrective action radioed to a central control room. Slowdowns or accidents can be reported to the motorcycle patrol.

4. Controlled Access

"Controlled access" highways permit traffic to flow freely and continuously without interference from cross traffic. They permit users to enter, leave, and execute other necessary maneuvers under controlled and safer conditions.

Based on accident statistics per 100,000,000 miles of driving exposure, the highway with full control of access is nearly 3½ times as safe as the conventional highway without access control. Moreover, by restricting on and off movement to those points where studies indicate such traffic is not destructive of the highway, the effective life of a section of the highway can be prolonged and the need for reconstruction deferred. The money which otherwise would be spent for reconstruction may be used elsewhere.

5. Telephones Along Freeway Routes

Telephones placed at periodic intervals along the sides of the freeway and on the median strip would facilitate the arrival of police, ambulance, and tow vehicles to the assistance of distressed vehicles. Such telephones should be numbered and connected directly with the police communication unit. This would make it possible to establish readily the exact location of the distressed vehicle and to dispatch the necessary assistance expeditiously.

6. Peak-hour Control

Concentration of traffic flow going in one direction during rush hours, such as from suburbs to the center of the city in the morning and back from the center of the city after work, creates many difficult problems for traffic control. Several suggestions for the alleviation of these problems were made:

a. An Interchangeable Lane System

During rush hours, in a multi-lane facility, more lanes might be assigned to the heavy stream of traffic and the number of lanes available to the lighter traffic stream reduced. An electronically controlled separator could be used which will rise during certain hours and disappear during other hours, thus making more lanes available for traffic proceeding in the direction of heavy flow.

b. Keeping Maintenance Crews Off the Freeways During Peak Hours

It was suggested that maintenance crews be kept off the freeways during peak traffic hours, except in emergencies. The desirability of such a policy stems from the fact that any object or vehicle parked on the freeway tends to divert a driver's attention at least momentarily. This momentary diversion of attention can result in an accident.

c. Minimum Speed Limitation During Rush Hours

The minimum speed limit during peak hours should be fixed according to the requirements of traffic volume. This would automatically eliminate from the freeways certain types of vehicles, such as the heavy and semiheavy trucks and other slow moving vehicles not capable of maintaining the required minimum speed during periods of peak traffic concentration, and would help in reducing congestion.

7. Controlling the Flow of Traffic

a. Variable Speed

The desirability of variable speed limits for different segments of a freeway, depending on design characteristics and volume patterns of traffic, has been advocated. Well-lighted signs informing the public of speed limit changes which can be operated at the discretion of the police patrolling the freeways should be installed. These speed reduction signs would indicate a change in the speed limit, for example, from 55 to 45 miles or from 35 to 25 miles, as traffic conditions may warrant.

b. Signal System to Reduce Congestion

Intermittently spaced signs, much like traffic signals with red, green, and amber lights, to indicate the state of congestion were suggested for freeways. Green would indicate that there is no congestion; amber, that there is some congestion calling for a general slowdown; red, the state of total congestion with all forward progress blocked. Drivers approaching congestion areas could be made aware of the prevailing condition while yet some distance away and could turn off the freeway prior to reaching the problem area.

On the other hand, the view was also expressed that the use of too many different kind of signs employed for the accomplishment of diverse objectives would clutter up the freeways and confuse the drivers.

8. Restricting Certain Vehicles to Specific Lanes

Restricting certain vehicles to specific lanes has been suggested. The lane assignment might be determined by the design characteristics of the freeway, taking into account the existing number of lanes, curves, and other pertinent considerations. Trucks, for example, may be required to use lane No. 3 and pass one another in lane No. 2. Under such arrangements, they would be barred from lanes No. 1 and No. 4. The proper lane for restricted vehicles would then be indicated by signs.

9. Changing Lanes

Careless and improper changing of lanes is recognized as a serious accident hazard.

It was therefore recommended that under certain conditions the changing of lanes should be prohibited. Lanes should be separated by distinctive markings to indicate a "no change in lanes" zone.

It was maintained that this would eliminate some bad accidents in areas where changing lanes is dangerous.

10. Designation of Lanes

It was suggested that letters or numbers rather than the words "Right" and "Left" be used to designate the position of lanes. For example, the overhead sign reading *Harbor Freeway Use Left Lanes—Downtown Use Right Lanes* might be changed to read *Harbor Freeway Lane "3"—Downtown Lane "2."*

It was pointed out that the unfamiliar driver has no way of knowing in advance how many lanes there are ahead. He may find himself in the wrong lane and cause trouble by trying to cut in to the proper lane at the last moment.

11. Proper Signals in Merging Traffic

In order to obtain the right-of-way, hand signals or electric turn signals clearly visible to following merging traffic should be made mandatory for drivers entering freeways.

Where two freeways merge, a sign should be posted reading "Merging Traffic Give Proper Signals, Alternate Vehicles Yield."

12. Emergency Parking on Freeways

It has been recommended that a time limit for emergency parking on freeway rights of way should be established and properly posted. Local enforcement officials should be provided by legislation with necessary authority to remove the vehicle if it is left in one of the emergency parking areas in excess of the permitted time. At present, there seems to be no established time restriction. An owner may, if he so desires, leave his car parked in the emergency parking area for an indefinite period.

13. Guide to Freeways

The preparation and publication of adequate freeway route maps and guides has been suggested. Such guides would enable a new driver to determine in advance the turn-off ramp he needs upon reaching his destination Moreover, freeways should be designated with zone numbers. This will enable the stranded driver to indicate his exact location when telephoning for assistance.

14. Fining Drivers Who Run Out of Gas on Freeways

The enactment of legislation has been recommended providing for the imposition of fines upon careless or indifferent drivers who tie up hundreds of cars because they run out of gas while driving on the freeway.

15. Radio Communication While Passing Through Tunnels

A tunnel aerial system has been recommended to make possible uninterrupted radio communication with drivers passing through tunnels.

I. IMPROVING TRAFFIC LAWS AND THEIR ENFORCEMENT

1. Uniform Motor Vehicle Code

The development of the uniform California State Motor Vehicle Code is recognized as a major achievement and an important contribution to

safety on the highways. The code, however, must be periodically reviewed and from time to time a general recodification of the motor vehicle laws is necessary to accommodate the numerous changes made in the laws during each legislative session.

A revision of traffic laws to reduce the complexity of driving regulations and thus eliminate much of the confusion associated with present-day driving, has been recommended. The Vehicle Code should be reduced in size, rearranged, and brought up to date. A separate section should apply to passenger cars and another with more technical and detailed information to trucks, busses, trailer coaches, and other specialized vehicles.

2. *Traffic Courts*

It was suggested that the traffic court be established as an independent branch of the judiciary system, and that it should have complete jurisdiction over all traffic offenses. That the number of judges hearing traffic cases should be increased in order that more personal attention can be given to violators, and that each judge appointed to the traffic court be required to have specialized knowledge of traffic laws, rules, and regulations and be required to attend the Bar Association traffic court conferences.

The court should maintain a complete record on all cases with copies being forwarded to a central state agency. A traffic court should be considered not solely as a penalty court but also as an institution dedicated to the education and improvement of drivers.

3. *Uniform Traffic Tickets*

The use of uniform traffic tickets by all police departments has been recommended.

Such uniform tickets would stress six hazardous moving violations which are among the principal causes of accidents: speeding, improper left turn, improper right turn, disobeying signal lights and stop signs, improper passing and use of lanes.

The following advantages of a uniform traffic ticket were emphasized:

a. It would permit uniform interpretation of traffic laws by all officers.
b. It would allow prosecutors to secure more consistent case preparation.
c. It would acquaint the violator with the exact nature of the charges.
d. It would acquaint the public with the unsafe driving practices which lead to accidents.

4. *Increased Policing*

a. Size of Patrol Force

The urgent need for an increase in the number of highway policemen has been repeatedly emphasized. The economic cost of accidents and congestion is staggering. The cost of preventing deaths and accidents by employing more traffic officers was felt to be a cheap form of insurance which the State cannot afford to do without.

b. Maintenance of Steady Highway Patrolling

The maintenance of a continuous patrol of the highways has been recommended. Such patrolling will help to reduce accidents. It was maintained that in stopping to make an arrest, the policeman temporarily interrupts his patrolling function. If patrol cars were manned by an extra officer and equipped with "walkie-talkie" instruments, one officer could be dropped off for the purpose of making an arrest and the patrol car could almost immediately resume its patrolling function. The officer dropped off to make an arrest could be picked up by a patrol car traveling in the opposite direction.

c. *Selection and Training of Traffic Officers*

The importance of continuing training of traffic officers has been emphasized. Fellowship awards for special advanced training made on the basis of a careful selection stressing ability and personality factors were recommended. Such training should include work in public relations, accident analysis, police personnel administration, traffic safety education, and practical psychology as well as standard police subjects.

J. DEVELOPMENT OF NATURAL RESOURCE ROADS

A program of natural resource road development has been recommended. A natural resource road is a road constructed and maintained by either private or public funds or a combination of both and so designed that it can serve the general public for normal use and yet be especially adapted to specific needs of local industry, particularly as a special use road for the removal of local natural resources from their sources of origin to their most economical destination or natural point of conversion.

Public roads represent a major public interest. They are financed by public funds and exert a tremendous influence upon the economic development of a state.

At the present time, state roads are built essentially in accordance with state-wide standards. It has been suggested that specific needs in specific areas be accorded particular recognition and that roads be classified in accordance with the differences in the predominant uses to which they must be put.

The logging areas represent a good example of a specific locality which has specific transportation needs. The economics of log hauling, it is maintained, requires special feeder access roads to the natural resource, timber. These roads must be so constructed as to permit the use of gross vehicle weights and axle loading consistent with the most efficient hauling of forest resources.

The needs of other industries in other areas should be similarly recognized.

PART IV

REPORTS AND RECOMMENDATIONS

SUBMITTED BY CITIZENS' ADVISORY COMMITTEES TO THE ASSEMBLY INTERIM COMMITTEE ON TRANSPORTATION AND COMMERCE

Four citizens' advisory groups were appointed by the chairman of the interim committee to assist the committee in its work.

The interim committee wishes to record its appreciation for the able assistance rendered by the members of these committees and to express its gratitude for the time and effort so generously contributed as a public service.

The reports rendered by these committees, as well as a statement submitted by the Advisory Committee on Motor Vehicle Legislation, are reproduced below.

A. REPORT OF THE CITIZENS' ADVISORY COMMITTEE ON FREEWAY TRAFFIC CONTROL

CAPT. C. E. WOLFRUM, Los Angeles Police Department, Chairman

November 12, 1956

HONORABLE L. M. (LEE) BACKSTRAND, Chairman
Assembly Interim Committee on
Transportation and Commerce
State Capitol, Sacramento 14, California

DEAR SIR: The Advisory Committee on Freeway Traffic Control is pleased to submit their report on the freeway traffic problem.

The report consists of 13 areas of the problem and while the time limitation precluded an exhaustive study, it is believed that this report will prove of value to your committee.

Particular attention should be given to Section 13 of this report, in that it contains the recommendations for legislative action.

This advisory committee, at this time, wishes to thank the Transportation and Commerce Committee for the formation and appointment of this committee.

The exchange of information, ideas and problems, has been of great value to all members of the advisory group. Sore spots have been healed, friendships have been cemented and solutions to problems have been found. The continuance of a committee of this type is recommended.

It has been a distinct pleasure for the members of this committee to compile this report.

If we may be of further service to this committee, please feel free to call upon us.

Yours very truly,

(Signed) C. E. WOLFRUM, Chairman
Citizens' Advisory Committee on
Freeway Traffic Control of the
Assembly Interim Committee on
Transportation and Commerce

MEMBERS OF CITIZENS' ADVISORY COMMITTEE ON FREEWAY TRAFFIC CONTROL OF THE ASSEMBLY INTERIM COMMITTEE ON TRANSPORTATION AND COMMERCE

Harry V Cheshire, Jr , Auto Club of Southern California
J. Czizek, Representative, League of California Cities
C. M. "Max" Gillis, Deputy Director Public Works, State of California
Norman Kennedy, Institute of Transportation and Traffic Engineering, University of California, Berkeley
John L Slater, Jr., Traffic Engineer, City of San Francisco
George Webb, Traffic Engineer, State of California
Jack Spencer, California State Automobile Association
Otto Meyer, Director of Traffic, City of San Francisco
Dr. Michael T. Wermel, Consultant
H. W. Sullivan, Deputy Chief, Traffic Bureau, Los Angeles Police Department
C. E. Wolfrum, Captain, Los Angeles Police Department
William P. Thien, Captain, San Diego Police Department
S. H Brown, Captain, Oakland Police Department
John Keegan, Sergeant, San Francisco Police Department

Investigation and Study of Freeway Accidents

There is a need for improved investigation of freeway accidents by officers in the field of the basic underlying causes. At present many reports are taken but not enough thorough investigations are made. Officers making the initial investigation should interrogate parties and witnesses involved more thoroughly than is generally done at the present time. Most reports call for the investigating officer's opinion but if he has an opinion and it is not supported by facts, he rarely inserts it in the report The officer at the scene sees and senses things not available to a person perusing the report at a later time. The officer may be informed of something which he feels will not aid in a conviction of a vehicle code section or which does not seem important enough to include in the report and this information is, therefore, excluded from the report. If the officers were sufficiently impressed with the importance of their initial investigation at the scene, they would certainly respond wholeheartedly.

Special highly detailed studies by some group, or a state agency should be made of persons involved in freeway accidents. The group should concern itself only with accidents occurring on freeways. These studies would undoubtedly uncover many of the underlying causes of freeway accidents and could include a review of the present accident report form Persons involved and witnesses would be interviewed and their information tabulated. Much valuable information would be obtained and patterns would appear which would be of inestimable value in future planning. This information would be made available to various agencies such as local and state law enforcement agencies, the Department of Motor Vehicles and the Division of Highways. It would aid law enforcement agencies in future planning and control Their line of questioning would expand and the information thus gathered would be added to that already obtained.

Such a study would be highly informative but not massive due to the fact that only 2,526 accidents were reported on freeways in Los Angeles, San Francisco, San Diego, and Oakland in 1955.

Accident Statistics—1955

LOS ANGELES—HOLLYWOOD, HARBOR, PASADENA, SAN BERNARDINO AND SANTA ANA FREEWAYS

LENGTH—26.1 MILES

Total accidents—1,517

Cause of accidents	*No.*	*Percent*
Following too close	416	27.4
Unsafe lane change	313	20.6
Drunk driving	140	9.2
Speed	111	7.3
Improper turns	111	7.3
Total	1,091	71.8
Other	426	28.2
	1,517	100.0

Fatalities—22

SAN FRANCISCO—JAMES LICK MEMORIAL FREEWAY

Total accidents—408

Cause of accidents	*No*	*Percent*
Following too close	163	40.0
Speed	83	20.0
Unsafe lane change	81	19.8
Defective equipment	19	4.6
Drunk driving	19	4.6
Total	365	89.0
Other	43	11.0
	408	100.0

Fatalities—0

SAN DIEGO—CABRILLO FREEWAY AND WABASH FREEWAY

Length—8 miles

Total accidents—133

Cause of accidents	*No.*	*Percent*
Speed	40	30.2
Following too close	32	24.2
Unsafe lane change	16	12.1
Unsafe turn	12	9.1
Reckless driving	11	8.3
Total	111	83.9
Other	21	16.1
	133	100.0

Fatalities—1

OAKLAND—EASTSHORE FREEWAY

Cause of accidents	*No*	*Percent*
Following too close	140	29.9
Unsafe lane change	89	19.0
Drunk driving	55	11.8
Speed	48	10.2
Defective equipment	29	6.2
Total	361	77.1
Other	107	22.9
	468	100.0

Fatalities—3

TOTAL CAUSES OF ACCIDENTS ON FREEWAYS IN LOS ANGELES, SAN FRANCISCO, AND SAN DIEGO

January 1, 1955, to December 31, 1955

Cause of accidents	*No.*	*Percent*
Following too close	751	29.6
Unsafe lane change	499	19 8
Speed	282	11 2
Drunk driving	214	8.4
Unsafe turns	139	5.5
Subtotal	1,885	74.6
Others	641	25 4
Total	2,526	100 0

Congestion Studies

On freeways, congestion generally is due to the extraordinary demand placed upon them. The extension of the freeway system may relieve some of these conditions. Construction of the Golden State Freeway in Los Angeles, for example, from the Central Business District to Vineland Avenue will tend to siphon off some of the 100,000 vehicles per day now using the four-lane section of the Pasadena Freeway and a considerable portion of a like number of vehicles now using the Hollywood Freeway.*

The most recent lane counts on Los Angeles freeways were made in July, 1955. At that time freeways designed to carry 1,500 vehicles per hour were carrying over 2,200 vehicles per hour in some locations during peak hours.

Although these freeways are loaded beyond desirable limits during peak hours, it is difficult to imagine the traffic carried by these freeways reduced to using an equivalent battery of surface streets with five stops to the mile.

An accident is a major cause of congestion and affects the flow of traffic even more than an overload during peak hours. Traffic moves slowly during peak hours but it does move. When an accident occurs, however, the traffic will many times stop completely or at best move at a snail's pace. Traffic flows smoothly on freeways 19 hours of the day.

The five hours during the morning and evening peaks is when the most serious congestion occurs due to limitations on freeway capacity.

In Los Angeles, a helicopter manned by police personnel is now being used during the morning and evening peak hours to patrol the freeways and report on congestion problems. Whatever the cause, motorcycle officers or an accident investigation car can be more quickly dispatched to the scene and alleviate congestion, thereby facilitating the flow of traffic.

* Freeway Capacity Study 1955—State Highway Department.

When there is a major congestion problem several radio and TV stations cooperating with the Sigalert System in Los Angeles are notified and broadcasts put out over the air to alert drivers whose intention it is to travel over the congested area. These drivers can then detour and save time while not adding to the congestion themselves. Regular broadcasts are interrupted to bring these Sigalert bulletins to the public.

The need for lessening of speed limits during peak periods should be explored. However, the very fact that traffic is heavy will cause a reduction of speed during periods of heaviest concentration. At this time the vehicles tend to follow too closely, increasing the possibility of rear end accidents. Also, some drivers believe they can make better time in another lane which results in many unsafe lane changes. Over 49 percent of all freeway accidents are attributed to these two causes.

Experimentation should be carried on by a state agency to accurately determine speeds at which the greatest flow of traffic can be carried on our freeways.

From July 15, 1956, to August 15, 1956, a special study was made in Los Angeles, by the Los Angeles Police Department, of stopped vehicles on all freeways. Of the total involuntary stops of 1,855 only 369 or 20 percent were involved in traffic accidents; 630 or 34 percent had mechanical trouble while 457 or 25 percent had flat tires and 226 or 12 percent were out of gas, and 9 percent other reasons.

Congestion is a special problem on the freeways because of the volumes of traffic using the facility during peak traffic periods. Obviously, a decision must be made as to whether to build the freeway to handle peak loads occurring during about five hours of the day. This is an important factor that must be given thorough study. Staggered working hours and share the ride programs are possibilities which if given an opportunity may reduce congestion during the critical peak hours and should be the subject of further study and action.

Need for a Coordinating Mechanism for State and City Officials

Millions of dollars of public funds are being spent on our freeway system. In order to derive maximum value to the citizens of California from this expenditure, it is deemed advisable that a state-wide coordinating committee on freeway traffic problems be established.

The exchange of ideas and constructive criticism is not only desirable but necessary. Methods should be developed to speed up required engineering changes to alleviate congestion and improve traffic flow on present freeways where the need is indicated by accident experience or congestion. It is recommended that the Legislature, by concurrent resolution of both Assembly and Senate, set up a coordinating group to evaluate freeway problems. Such a commission should be composed of:

a. The State Highway Engineer;
b. The State Traffic Engineer;
c. The Commissioner, California Highway Patrol;
d. A Local Government Traffic Engineer;
e. A Local Government Traffic Law Enforcement Officer.

The function of the state-wide coordinating committee would be to.

a. Review and evaluate suggestions for improvement in our presently completed freeway system;
b. Coordinate activities and exchange information relating to highway design, construction, traffic engineering, traffic enforcement and traffic control operations;
c. Give impetus toward positive action concerning suggestions from affected governmental agencies and the public;
d. Provide the leadership and cooperation necessary for continually improving our freeway system.

It is further recommended that a similar group, on a local level, be formed in various localities, particularly in metropolitan areas, to screen suggestions for the improvement of freeway traffic operations This local group could effectively deal with problems of a strictly local nature and could make recommendations to the state-wide coordinating committee in reference to matters which have state-wide implications or which cannot be resolved upon a local level

Special Enforcement Problems

Freeways present a definite traffic control problem to police administrators. Generally, the accident experience on the freeway does not justify the numbers of personnel required to adequately control and expedite the flow of traffic. Police deployment in the traffic field is generally predicated upon the accident frequency For example, in Los Angeles approximately 33 motorcycle officers are assigned to freeway patrol. Actually the accident experience is approximately 4 percent of the city total while the manpower deployment requirement is over 10 percent of the total strength of the manpower available for this type of activity. Experience on freeways in Los Angeles and on the Bay Bridge in San Francisco indicates that 2½ times more police are required than surface streets due mainly to high traffic volumes, congestion and public service requirements. Therefore, manpower and budget requirements for this type of activity should be given serious, thoughtful consideration and action by those charged with the responsibility of providing adequate funds.

Special Problems of Signs and Markings

There is a need for ever larger signs as the design speed of a highway is increased. Signs and markings are being improved in relation to size, legend and positioning. At 55 m p h., a car travels approximately 82 feet per second. Signs placed even 1,000 feet in advance of an off ramp allow only 12 seconds for a driver to react and get his car into the proper lane. Obviously, a driver familiar with the ramps knows where he is, and prepares to position his car properly in sufficient time. However, we are thinking of the stranger in our midst who by not having sufficient advance notice may very easily cause a serious accident.

Some accident experience is encountered where a freeway becomes a limited access roadway with an intersection at grade. A standard sign needs to be devised to alert drivers to this important change of conditions.

A continuing study is necessary of the installation of "Slow Traffic Keep Right" signs and 55 m.p.h. signs. The state standards should be

reviewed as to high speed and volume standards. The periodic spacing of the above mentioned signs would serve as a reminder to slower drivers to either speed up or get into the right hand lanes.

Policing by State of Freeways Through Incorporated Cities

It might be feasible for incorporated cities through which a freeway flows to enter into contractual agreements with other cities or with the California Highway Patrol to police the freeways, if the cities have budgetary or manpower problems which hamper their enforcement efforts on freeways. The lack of manpower is especially true of smaller communities. This would also achieve economy where the local freeway is short in length. It would also tend to provide uniformity of enforcement.

Legislative action by the Legislature is recommended by this committee to permit contractual agreements either between cities and/or between the California Highway Patrol and cities.

Stranded and Abandoned Vehicles

The importance of adequate traffic control for the purpose of keeping traffic moving and taking action with regard to stoppages occasioned either by disabled vehicles or collisions cannot be overstated. The removal of disabled vehicles from the traveled way is extremely important when traffic flow is at saturation volumes. One lane blocked for 10 minutes under such conditions will cause a stoppage which backs up and does not totally dissipate for 90 minutes. By that time, of course, although traffic on the freeway is all moving again, the tail end of the jam has moved back to include the on ramps and even the downtown streets. As many as 10,000 cars can feel the effects of such a stoppage.

It is recommended that an improvement in authority to remove vehicles stranded or abandoned on freeway rights of way be considered. These vehicles form a problem to the extent that they cause inattention among drivers passing them. A driver will glance at the stopped vehicle for an instant while traffic stops in front of him and before he can bring his vehicle to a halt, he has struck the vehicle in front of him. If a vehicle code section were enacted similar to Section 585.3, Vehicle Code, which states that any vehicle disabled and standing on the Yolo Causeway is deemed to be a hazard and may be removed, it would enable officers to remove these potential hazards before serious accidents occur.

Special Devices of Traffic Control—Radar, TV, Etc.

Many ideas have been advanced for elaborate control measures, including electrical and mechanical devices, almost all of which are expensive, both for initial installation and for continuing operation. In most instances, the effects of such devices have not as yet been adequately studied or considered.

Suggestions have been made that electric signs to be actuated by various means be installed for the purpose of advance warning of stalls and wrecks on freeways. These suggestions are very well made but there are technical problems to consider before adoption of these signs. It would be well to thoroughly study how these devices have worked out in other localities before expending funds for their installation on California freeways.

One signal system suggested is intermittently spaced signs much like traffic signals with red, green, and amber lights. Green would indicate no congestion, amber some congestion, and a general slowdown, and red total congestion with all forward progress blocked. Drivers approaching congestion which is yet some distance away could turn off prior to reaching the problem area.

An eastern city is considering the installation of television on several miles of freeway for the purpose of keeping traffic under surveillance at all times from a central location. Representatives of the Division of Highways have discussed this installation with officials of the city and manufacturers of equipment.

Television may help solve one of the most immediate and frustrating problems—the complication of peak hour jams. However, the value of television has not been determined. It actually does nothing about the problem and still requires manpower.

As yet, this is only an idea, needing much study, but the Los Angeles City Traffic Commission is still exploring the possibilities.

With properly spaced cameras along freeways, we would have the "*all-seeing eye*" needed to know what is going on. Operators in a central place could flick on lights in signs over freeway lanes when jam-ups occur, and thus detour back-up cars.

One, overhead across Hollywood Freeway inbound, for example might read:

"FREEWAY BLOCKED
OFF AT VERMONT"

Or off at whatever street is nearest.

Television could also provide means for rapid dispatching of emergency vehicles and in this way reduce delay due to stalled or wrecked vehicles.

An argument against television is its cost. The installation and upkeep might run into hundreds of thousands of dollars but in this case the benefits derived might be well worth the expenditure involved.

Radar is proving to be an effective tool for speed control. It has been used in several cities for traffic law enforcement. Oakland and San Diego have used this device for speed law violations. It has been used in Los Angeles for speed law observance studies only.

The experience of the San Diego Police Department is as follows:

"Radar is a valuable tool for police engaged in speed control. It is not a sure-cure for all speed problems but adds to the effectiveness of a traffic officer as radio does for all officers."

"At the start, the use of radar had a great psychological impact upon drivers. All traffic slowed up—the number and severity of accidents was lowered. There was no increase in the number of tickets issued."

"This psychological effect wore off to a great extent as the months passed. There will always be some deterrent to speeding because of radar but not nearly as much as during the first six months."

"The value of radar is particularly noted at "problem" locations. Locations which did not improve under other enforcement methods showed a constantly improving record upon repeated use of radar."

EFFECT OF RADAR ON 46 PROBLEM LOCATIONS IN SAN DIEGO

	First check	*Last check*	*Percent of decrease*
Time spent at location	1 hour	1 hour	--
Vehicles detected 5 m.p.h. over limit	1,569	1,371	12
Vehicles detected 10 m.p h. over limit	201	157	26
Vehicles detected 15 m.p.h. over limit	12	4	66
Citations issued	126	78	38
Warnings issued	55	21	62

Engineering Design Improvement

Engineers have built up a large field of knowledge regarding freeways since the Pasadena Freeway was built more than 15 years ago. Without a doubt, they will continue to add to it during the coming years.

There is a continuing review and evaluation by the State Highway Department of those policies pertaining to state participation in engineering and improvement of intersections adjacent to off-ramps and of city streets serving as a terminus of a freeway.

The State Highway Department has made many improvements in design of freeways as a result of research and experience. A solution to congestion lies in providing more freeways and not just widening those already built.

Since the Highway Department is of the opinion that sidewalks must exist prior to installation of telephones along the freeways, this might also be reviewed. Phones placed periodically along each side of the freeway and on the median strip would facilitate the arrival of police, ambulances, and tow vehicles. Number each phone box and have it connected directly to the police communications unit. All a person would have to do is give the box number and state the nature of the trouble to the operator who would dispatch the necessary equipment to control the problem.

*"In January, 1955, a report on communications for freeways was prepared by the Management Division, Chief Administrative Office of Los Angeles County for the Los Angeles County Board of Supervisors. A portion of the report dealt with freeway vehicle patrols compared with telephones. If a 24-hour motor patrol (one patrol every 19 minutes) was maintained an officer would be on the scene within 19 minutes. If a telephone was available it would be 19.6 minutes before an officer was on the scene. This includes a 4 4 minutes walk to a phone, 3 minutes to relay the call to an accident investigation unit and an average of 12.2 minutes for the unit to arrive at the scene after receiving the call. However, the time would be cut down on ambulance notification from 15.2 minutes to 7.4 minutes and for tow service from 19 minutes to 7.4 minutes."

"In cost comparison the difference is tremendous according to the report. The annual cost of a county-wide (Los Angeles) 24-hour patrol would be $1,277,703 at the time of this study. The annual cost of a county-wide freeway telephone system would be $137,326. The annual cost of future county-wide freeway patrol based on estimated length of 322.1 miles of freeways in Los Angeles County is $3,458,388. The annual cost of telephones for a future freeway system is $371,703."

* Based upon material from a report prepared by Los Angeles County Chief Administrative Officer in January, 1955.

* Freeway traffic, at high volumes, is not evenly divided by lane. The shoulder lane (except at ramps) never carries nearly as much traffic as the other lanes even with no trucks. For this reason, a three-lane roadway (one way) will carry a greater average volume per lane than a two-lane roadway. It is believed under the same conditions a four-lane roadway will carry more traffic per lane than a three-lane section.

Undesirable congestion is usually experienced when traffic volumes increase to the point where operating speeds are reduced below 35 m.p.h. At this speed, traffic is practically bumper to bumper; there are few normal gaps available for lane changing, and there is noticeable driving tension even for short rides. Also, at this speed stoppages can occur quickly even from a single drivers faulty maneuver or hesitation. And finally, when congestion reduces speeds to 35 m.p.h., it means that the lanes nearest the median are carrying 2,000 vehicles per hour. This gives an interval between vehicles of only 1.8 seconds. It is believed that volumes which result in an average freeway speed of 45 m.p.h, the traffic in the shoulder lane will average about 40 m.p.h. and traffic in the median lane will average near 50 m.p.h. If the number of freeway lanes were expanded to four in all instances, it would greatly facilitate the movement of vehicles especially during peak hours.

A study should be made of distribution points to be certain they are being fully utilized or to determine if they were being utilized to such a great extent that congestion was developing on surface streets near off ramps. Also, a study of on and off ramps would determine whether or not some of them might not be too close together.

A study of adequate dividers should be made on the median strip to prevent cars crossing into traffic going in the opposite direction.

Temporary off ramps should be placed at strategic locations to enable vehicles to leave the freeways. These ramps would normally be closed by gates or chains, but could be opened by police when necessary.

Temporary Construction Problems Resulting From Stage Construction of Freeways

Stage construction results in temporary termination of freeways at ramp connections to city streets. Present practice in metropolitan areas is to provide two-lane ramps at these locations. A two-lane ramp will probably feed in as much as can be handled by a five- or six-lane city street It would be desirable to provide free flowing traffic operation from the ramp to the city street, but this generally cannot be accomplished because the city street already carries a substantial volume of traffic, and signals, turning traffic, cross traffic and other interferences reduce the city street capacity to less than that delivered by a two-lane off ramp. Warning and guide signs are installed on the freeway in advance of and at the ramp connection, to properly warn and guide traffic from the freeway to the city street.

The large majority of motorists are aware that something is being built that will eventually ease the traffic situation. People generally are willing to put up with congestion caused by construction. The Division of Highways engineering inspectors on any project usually work in close cooperation with the various police departments. The

* Freeway Capacity Study, 1955, Progress Report, State Highway Department.

departments keep fairly close touch with the progress of the freeway construction through these inspectors and by personal observation.

Better lighting should be provided on approaching and when passing through any construction staging. This phase of safety has been rather neglected in the past. Well lighted areas and lane striping are conducive to safety. Special provisions should be incorporated in any contract stressing adequate lighting and striping. Inspectors would then have the authority to see that contractors comply with the specifications. Considerable improvement on this phase of the problem has been noted in the Los Angeles area this year.

Qualifications of Drivers on Freeways (Special Licenses, Etc.)

It is probably not feasible or desirable to limit use of the freeways to any particular licensed group. To place limitations upon drivers' licenses for freeway use, without further knowledge of the basic underlying causes of traffic accidents, at this time, would not be justified. Although some information about the techniques of freeway driving and the cause of freeway accidents is known, it is not yet sufficient to devise a test which would be reliable and not arbitrary.

Many sections of the State do not have freeways on which to test persons applying for a license. Then there is the problem of the out-of-state driver who may not be qualified physically or mentally to be on the freeway, yet he has a valid license issued by his home state entitling him to drive anywhere. These two groups could drive on the freeways although not tested for freeway driving.

The present license to drive on any street, highway or freeway is adequate and should not be changed until more knowledge is gained in the field of driver behavior.

Restrictions may be placed upon present holders of operators' licenses should it be deemed necessary to limit their privilege of using the freeways.

Special Studies

It is recommended that the following studies be undertaken by competent groups, either private or state, at the direction of the legislature:

1. Study of accident report forms;
2. Study of persons involved in freeway accidents for basic underlying causes;
3. Study of speed limits on freeways to determine the feasibility of possibly changing the limit during peak hours, adverse weather conditions and congestion due to traffic accidents;
4. Congestion studies with a view to staggering working hours or accentuating the share the ride program;
5. Study of electronic and mechanical devices for freeway traffic control;
6. Study of distribution points and on and off ramps;
7. Study of service charge for drivers who run out of gas on freeways in metropolitan areas.

Recommendations for Legislative Action

A. Provide legal authority for prohibitions on lane changing in high accident frequency locations. Said prohibitions to be effective whenever lanes are separated by a distinctive marking;
B. Consideration of a "Right of Way" law for cars entering the freeways at on ramps. This type of law would not require any slowing of traffic entering a freeway unless there is danger of conflict;
C. Provide legal authority to permit local authorities to close on and off ramps, thereby controlling traffic volumes during emergency and peak hours congestion periods;
D. Provide legal authority for time limits of emergency parking on freeways and freeway rights of way; and require posting this limit;
E. Provide legal authority to permit peace officers to remove vehicles left standing over four hours on freeways or freeway rights of way;
F. Provide a legal definition of the term "freeway"; Uniform Vehicle Code definition is: "Section 1-110—Controlled-access Highway.—Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway";
G. Provide legal authority to designate certain lanes on freeways for commercial vehicle use. Said commercial vehicle lane to be adequately posted;
H. Resolution for establishment of state-wide coordinating committee on freeway traffic control.

B. REPORT OF THE CITIZENS' ADVISORY COMMITTEE ON MOTOR VEHICLE CODE RECODIFICATION

HARRY V. CHESHIRE, JR., Automobile Club of Southern California, Chairman

January 15, 1957

To: HON. L. M. BACKSTRAND, *Chairman*
Assembly Interim Committee on
Transportation and Commerce

HON. WALTER I. DAHL, *Chairman*
Subcommittee on Vehicle Code Recodification

GENTLEMEN: Your Advisory Committee on Recodification of the Vehicle Code has previously submitted a report to you under date of November 14, 1956. In that report we reviewed the activities of the advisory committee, and made reference to the work of the Legislative Counsel's Office in preparing a proposed redraft of the Vehicle Code. At that time the Legislative Counsel's draft was not yet available, but we were hopeful that it could be introduced in the 1957 Session of the California Legislature in bill form, and so recommended with the understanding that it might be held over for final pasage during the next legislative session.

The Legislative Counsel's draft became available in the early part of December, 1956, and we therefore present this brief report in reference to our findings.

As expected, the Legislative Counsel's draft is an extremely voluminous document. In the time available thus far, no member of the advisory committee has been able to make a detailed analysis of the entire draft, although some have made a detailed examination of certain portions of the draft. On the basis of these careful examinations and advisory committee discussion, it is clear that there are several provisions in the draft concerning which the advisory committee will make suggestions for modification. The draft, if adopted, would result in some substantive changes in the law—which, of course, is not intended. We cannot be certain what inadvertent substantive changes, if any, have been made in those portions of the draft which have not yet received detailed study by the advisory committee.

We have, therefore, established a schedule of meetings to give intensive detailed analysis to portions of the draft in an attempt to arrive at a final recommendation. These meetings will begin in the first week in March, after the Legislature reconvenes, and will continue every two weeks thereafter to the extent practical during the Legislative session. Meetings will also be held after the final adjournment of the 1957 Legislative session as necessary so that the advisory committee will complete a careful analysis of the entire draft in sufficient time to permit the adoption of a recodification bill in the 1958 Session It is expected that representatives of the Legislative Counsel's Office will work with the advisory committee.

With the foregoing program in mind, the advisory committee suggests that it would not be necessary to incur the printing expense involved in introducing a recodification bill in the 1957 session. We are advised that approximately 250 copies of the proposed redraft are still on hand for distribution to those persons who may request them.

To summarize, we can only advise your committee that our preliminary analysis of the draft recently completed indicates that some portions should be further revised and, viewed realistically, additional time will be required to determine which portions of the draft fall within this category. We have established a study program for the purpose of making this determination.

Respectfully submitted,

HARRY V. CHESHIRE, JR., Chairman
Automobile Club of Southern California

Alan G. Anderson
Private Truck Owners Bureau of California

Richard Carpenter
League of California Cities

Vern H. Cannon
California Teamsters' Legislative Council

Vincent T. Cooper
County Supervisors Association

Sheriff H. P. Gleason
Alameda County

Victor Henley
Department of Public Works

Allen F. Mather
Agricultural Council of California

Inspector D. J. O'Connell
California Highway Patrol

Dave F. Smith
Los Angeles Motor Car Dealers Association

Perry H. Taft
Association of Casualty & Surety Companies

Bert Trask
California Motor Transport Assn.

Paul Mason
Department of Motor Vehicles

Donald M. Redwine
Los Angeles City Attorney's Office

EXCERPTS FROM THE REPORT OF ADVISORY COMMITTEE ON VEHICLE CODE RECODIFICATION

November 14, 1956

To: Assembly Interim Committee on Transportation and Commerce
HON. L. M. BACKSTRAND, *Chairman*

Mr. Chairman and Members of the Committee:

INTRODUCTION

The members of your Advisory Committee on Recodification of the Vehicle Code are pleased to submit a report at this time, as you have requested. No final report can be given for we believe that much work remains to be done. However, we can report upon the progress and activities thus far.

The California vehicle laws were last codified in 1935 and in the past 20 years amendments to these laws have been made in increasing numbers at each legislative session until in 1955 there were 200 changes made in the California Vehicle Code in that one session alone Persons interested in motor vehicle laws, both in and out of the Legislature, recognized the need for a review and overhaul of the State Vehicle Code.

The Assembly Interim Committee on Transportation and Commerce appointed a subcommittee on recodification under the chairmanship of Walter I. Dahl, and, with the cooperation of the Advisory Committee on Motor Vehicle Legislature, named this Advisory Committee on Recodification.

ADVISORY COMMITTEE ACTIVITIES

Assemblyman Dahl held a meeting of his subcommittee in Sacramento on October 3, 1955, to clarify the objectives of recodification and to define the problem areas involved in the task of recodifying the Motor Vehicle Code. At said hearing various members of the advisory committee, upon invitation, discussed the task of recodification.

Upon the basis of past experience, it is quite clear that recodification, rearrangement and consolidation of the Vehicle Code should be presented to the Legislature in two distinct steps:

(1) A bill should be introduced which simply rearranges or recodifies the Vehicle Code without any substantive change whatsoever; and
(2) A second bill or series of bills should be introduced to make whatever substantive changes are desired.

Assemblyman Dahl's subcommittee requested the Legislative Counsel to proceed with the first phase—that is, to prepare a recodification of the Vehicle Code without substantive change.

Subsequently, the advisory committee circulated correspondence among its membership to accumulate a list of topics which would be a proper subject for consideration in the process of recodification. From a review of this correspondence and the present provisions of the Vehicle Code, it became apparent that to achieve maximum consolidation of Vehicle Code provisions, it will be necessary to make substantive changes in some instances.

The advisory committee held a meeting on March 2, 1956, in Sacramento, at which representatives of the Legislative Counsel's Office presented the first tentative table of contents for a revised Vehicle Code, indicating their preliminary work and general thinking as to the over-all arrangement of major portions of the code This suggested arrangement was disclosed and the possibility of following the general arrangement of the Uniform Code was also considered. The present arrangement of the Uniform Vehicle Code is quite similar to the present arrangement of the California Vehicle Code.

The advisory committee suggested to the Legislative Counsel that further consideration be given to the arrangement of the Uniform Vehicle Code and that it be followed insofar as practicable.

Subsequent to this meeting the Legislative Counsel's Office undertook the detailed job of recodification without substantive change, following the general pattern of the Uniform Vehicle Code.

It was the view of the advisory committee that they should defer further meetings and additional attempts to develop substantive changes until the first phase had been completed and they had opportunity to review the draft prepared by the Legislative Counsel.

A brief meeting of the advisory committee was held in Sacramento on October 18, 1956, to discuss with the Legislative Counsel's Office the progress in development of the recodification The Legislative Counsel's Office reported that it had almost completed the entire job of recodification and there remained only the task of final review and duplication. It is anticipated that the Legislative Counsel's draft will be available for review by the advisory committee in the immediate future. * * *

AUTHORIZED EMERGENCY VEHICLES

During a meeting of the Assembly Interim Committee on Transportation and Commerce on June 13, 1956, there was a discussion of House Resolution 195, which relates to problems of emergency vehicle legislation. It was suggested that some of the problems relating to emergency vehicle legislation may be solved by the process of recodification. * * *

To carry out some of the objectives discussed during your interim committee hearings, additional substantive changes may be necessary. Preliminary work has been done along this line for circulation to the advisory committee on recodification. However, as stated above, the advisory committee has felt that before undertaking any rearrangement which would involve substantive changes, we should have available the work of the Legislative Counsel's Office. We are hopeful that we may yet be able to submit a proposal in respect to authorized emergency vehicles prior to the beginning of the 1957 legislative session, after reviewing the work of the Legislative Counsel.

Each member of the advisory committee is most appreviative of the opportunity to serve on this committee. With the completion of the first phase, we sincerely hope that members of this committee may be of service in future months in the development of an improved Vehicle Code.

Respectfully submitted,

HARRY V. CHESHIRE, JR., Chairman
Automobile Club of Southern California

Alan G. Anderson
Private Truck Owners Bureau of California

Richard Carpenter
League of California Cities

Vern H. Cannon
California Teamsters' Legislative Council

Vincent T Cooper
County Supervisors Association

Sheriff H. P. Gleason
Alameda County

Victor Henley
Department of Public Works

Allen F. Mather
Agricultural Council of California

Inspector D. J. O'Connell
California Highway Patrol

Dave F. Smith
Los Angeles Motor Car Dealers Association

Perry H Taft
Association of Casualty and Surety Companies

Bert Trask
California Motor Transport Association

Paul Mason
Department of Motor Vehicles

Donald M Redwine
Los Angeles City Attorney's Office

C. REPORT OF THE CITIZENS' ADVISORY COMMITTEE ON UNIFORM TRAFFIC MANUAL

GRANNIS P. PARMELEE, Automobile Club of Southern California, Chairman

To: HON. L. M. BACKSTRAND, *Chairman, Assembly Interim Committee on Transportation and Commerce*

To: HON. EDWARD M. GAFFNEY, *Chairman, Subcommittee on Safety Regulations and Devices*

GENTLEMEN: The Advisory Committee on Uniform Traffic Manual held three meetings prior to this report. The first at the State Building in Los Angeles on November 16, 1955, the second at the State Capitol, Sacramento, on January 19, 1956, and the third at the State Building, Los Angeles, on March 14, 1956. The committee was very well represented at all meetings and minutes were prepared and distributed by Mrs. Barbara A. Miller, Secretary.

To date this committee has received only one assignment, which was the study and consideration of the Planning Manual Part 8 Traffic, issued by the Department of Public Works, Division of Highways, and how the manual could best serve officials of all California cities and counties, and especially those charged with the responsibility of placing and maintaining traffic control devices.

Your chairman reported work and progress before your subcommittee hearings at the State Building, Los Angeles, on November 30, 1955; and at the State Building, San Francisco, on January 17, 1956.

As a result of the letter sent by Mr. Backstrand to city and county engineers under date of November 23, 1955, the manual was brought to the attention of many officials who had not used it. Many members of the committee contacted public officials by personal calls, telephone and letter to obtain reaction to the contents of the manual. Research by your chairman disclosed that proper officers of approximately 114 incorporated cities had not been issued a copy of the manual, and we have since been advised by State Traffic Engineer, Mr. George M. Webb, that distribution has been made to 100 percent of the cities and counties of our State.

Acceptance and appreciation of this manual has been expressed by letter and in person by many officials. Also at a meeting of the County Engineers Association held in Los Angeles on January 25, 1956, the manual was approved and adopted for use of county officials.

As a direct result of comments and suggestions received by the Department of Public Works, many new, corrected or improved pages have been issued, or are now in preparation. These pages will make the manual even more useful for all those working in traffic problems.

We wish to commend the State Department of Public Works for their preparation and distribution of this manual.

Your committee makes the following recommendations:

1. That a manual on traffic control devices should be kept up to date and be available to state, county and city officials.
2. Legislation requiring cities and counties to follow the state manual is not recommended at this time. Your committee believes that adequate progress to this end is being obtained by voluntary adoption and present usage of the manual. This method is preferable so long as good distribution is given to all public agencies.
3. That the Assembly, through your committees, offer every possible encouragement to the Department of Public Works, Division of Highways, for the continuing improvement and the distribution of this manual.

No dissenting opinion on this final report was expressed by committee members with the exception of one who does not approve recommendation No. 2, but favors a mandatory manual.

We wish to thank you for the honor and privilege of serving your committees and to assure you of our desire to be of assistance at every opportunity.

Respectfully submitted,

GRANNIS P. PARMELEE, Chairman

Members of the committee:

Wallace B. Boggs, Road Commissioner
Alameda County

Lloyd M. Braff, General Manager
Department of Traffic
City of Los Angeles

E. R. Hanna, Road Commissioner
San Benito

A. C. Keith, Road Commissioner
Riverside County

Royal J. Kellogg, Chief Engineer
California State Auto Association

Norman Kennedy, Assistant Director
ITTE, University of California

G. D. McDonald, Traffic Engineer
Los Angeles County

D. J. O'Connell, Inspector
California Highway Patrol

James E. Reading, Traffic Engineer
City of San Diego

Ross T. Shoaf, Traffic Engineer
City and County of San Francisco

D. J. Stevens, Traffic Engineer
City of Sacramento

George M. Webb, Traffic Engineer
California Division of Highways

D. REPORT OF THE CITIZENS' ADVISORY COMMITTEE ON MUFFLER PROBLEMS

INSPECTOR D. J. O'CONNELL, California Highway Patrol Chairman

To: HONORABLE L. M. BACKSTRAND, *Chairman*
HONORABLE CHARLES H. WILSON
HONORABLE FRANK LANTERMAN

The Assembly Subcommittee on Muffler Problems appointed the following citizens to act as an advisory committee to the legislative subcommittee: Inspector D. J. O'Connell, Chairman; Alan G. Anderson, Harry V. Cheshire, Fred Porter, T. F. Knight, Jr., Professor D. M. Finch, Bert Trask and Ed Riley.

This Citizens' Advisory Committee held three meetings. The first meeting was held in Los Angeles on February 17, 1956, and the mission of the advisory committee composed of the following items was reviewed:

1. Reduce the amount of noise emitted from motor vehicles;
2. To develop adequate methods of testing muffler devices;
3. To explore the possibility of portable instruments to determine noise volume;
4. To explore the possibility of reduction of smoke and other nauseous gases emitted by motor vehicles.

In order to explore the first three items of the advisory committee's mission, it was determined that the services of the Institute of Transportation and Traffic Engineering of the University of California be obtained to assist in the development and conducting noise tests at the institute's field station at Richmond. Various members of the advisory committee offered to supply equipment and personnel necessary to such testing.

Mr. Wallace Linville, Engineer, Los Angeles Air Pollution Control District, attended this meeting and provided the committee with valuable information on the work being done by Los Angeles County in the area of item No. 4 of the advisory committee's mission. Mr. Linville pointed out that current exploration by Los Angeles County indicated the following types of devices as probably partial solutions to reduce the smog contribution of motor vehicles:

1. Igniter type muffler;
2 Catalytic type muffler;
3. Fuel shut-offs during times of deceleration.

Mr. Linville indicated that the Los Angeles County studies had determined that the contribution of unburned hydrocarbons by motor vehicles to the total smog control problem was approximately 45 percent. The total motor vehicle contribution could additionally be reduced to the following four driving conditions:

1. Idling, 8 percent;
2. Acceleration, 17 percent;
3. Cruising, 11 percent;
4. Deceleration, 64 percent.

It was the opinion of Mr. Linville that the igniter type muffler (Clayton) because of the extensive engineering required for each in-

dividual type of engine, and because of other practical problems would not generally be an effective type of device. He believed the catalytic type muffler would in all probability provide the ultimate solution.

On July 19 and 20, 1956, Chairman L. M. Backstrand of the Assembly Interim Committee on Transportation and Commerce called a meeting of the full interim committee to participate with the advisory committee in the noise field tests conducted at the Institute of Transportation and Traffic Engineering at Richmond.

At the meeting American stock cars, foreign stock cars, American motorcycles, foreign motorcycles, passenger stages and various classifications of large trucks were tested. During the tests these vehicles were operated with stock mufflers, after-market type mufflers, and without mufflers. The noise volumes emitted during the various tests were computed in decibels, A scale; in decibels C scale; sones; and by jury rating. The results of these tests are attached to this report as an appendix.

On November 12, 1956, the Citizens' Advisory Committee met jointly with a Muffler Subcommittee of the Advisory Committee on Motor Vehicle Legislation in Los Angeles. In addition to the joint committee members. also were present technical representatives of the Automobile Manufacturers' Association, private consulting organizations, and the Stanford Noise Institute.

There was general agreement that the noise problem could be divided into two primary categories:

1. Large trucks;
2. Passenger type motor vehicles.

It was the consensus of the technical experts that currently the Sones method of measurement provides that closest correlation of the human ear. Unfortunately, this system of measuring may be conducted only under laboratory conditions and is not suitable for use by a field enforcement officer.

It was generally agreed that the *A* scale of the standard decibel meter provides the closest correlation to the Sone system of measurement.

Representatives of the Automobile Manufacturers Association informed the committee that new American trucks are now being produced with mufflers designed to reduce noise volumes below 125 Sones and that the median noise levels encountered on American-built passenger cars is approximately 24 Sones.

It appeared to the committee that the American-built passenger cars equipped with a stock muffler do not constitute a noise problem. Additionally, the large trucks of recent manufacture, if the factory-installed muffler equipment is properly maintained, do not constitute a severe noise problem.

The problem areas are composed of the several million motor trucks manufactured during the 15 years prior to 1955 having muffler systems emitting noise levels in excess of 125 Sones, and the modification of passenger cars by the installation of after-market type mufflers emitting noise levels in excess of production models.

There was considerable discussion on the advisability and effectiveness of enforcement personnel utilizing the *A* scale of portable sound

meters for enforcement purposes. The Automobile Manufacturers Association points out that while the *A* scale does provide some correlation, experiments previously conducted by their organization indicated that 80 decibels on the *A* scale may result in sound volumes ranging from 45 to 100 Sones.

The advisory committee encountered a sharp division of opinion as to whether or not it would now be appropriate to recommend to the legislative committee that specific standards in decibels be included in the California Muffler Statute. One segment of the committee was of the opinion that until better instrumentation is developed that the California statute not be amended; the other segment of the committee was of the opinion that we are now in a position to recommend positive decibel ratings for inclusion in the California statute.

The several questions involved were placed before the committee for voting. The results of the voting indicated a definite split in the thinking of the committee membership and failed to produce results which could be considered a committee recommendation.

It is recommended that this Citizens' Advisory Committee be continued and charged with the responsibility of further exploring instrumentation procedures, bearing in mind the original mission delegated to the committee.

Respectfully submitted,

D. J. O'CONNELL, Chairman
Citizens' Advisory Committee on
Muffler Problems

MOTOR VEHICLE NOISE TESTS

UNIVERSITY OF CALIFORNIA ENGINEERING FIELD STATION
July 19, 1956

Run No.	*Vehicle*	*Speed*	*HP*	*A scale*	*C scale*	*Sones*	*Jury average*
1.	Plymouth—Stock	25	80	64	75	22.1	1.6
2.	Chevrolet—Stock	25	70	--	72	19.1	1.4
3.	Ford—Stock	25	80	--	72	20.7	2.4
4.	Plymouth—AM	25	80	--	84	41.6	3.6
5.	Chevrolet—AM	25	75	--	78	25 2	2.8
6.	Ford—AM	25	79	--	81	43.0	5.1
7.	Plymouth—AM	25	77	70	81	33.1	3.9
8.	Chevrolet—AM	25	76	68	81	36.4	4.3
9.	Ford—AM	25	77	70	83	45.0	6.2
10.	De Soto—Stock	25	100	66	75	26.2	2.5
11.	Plymouth—Stock	25	77	66	75	28.6	1.8
12.	Chevrolet—Stock	25	81	65	72	29.4	1.2
13.	Ford—Stock	25	76	66	73	25.0	2.1
14.	Jaguar—3d gear	25	56	63	77	26.2	2.1
15.	Jaguar	40	51	63	76	30.9	2.1
16.	MG	25	25	66	74	31.5	3.2
17.	MG	40	30	65	77	28 0	3.2
18.	Harley-Davidson Cycle—Stock	25	16	71	84	49.8	5.4
19.	Harley-Davidson Cycle—Stock	40	23	77	89	91.7	--
20.	Triumph—Stock	25	18	75	88	75.8	5.6
21.	Triumph—Stock	40	20	76	88	79.0	6.2
22.	Harley-Davidson Cycle—St. Pipe	25	17	75	87	76.7	9.6
23.	Triumph—St. Pipe	25	17	80	91	113	8.8
24.	Harley-Davidson—St. Pipe	40	21	90	97	179	9.6
25.	Triumph—St. Pipe	40	19	82	94	111.6	9.0
26.	Harley-Davidson—AM	25	16	81	89	110	7.4
27.	Triumph—AM	25	--	77	88	99.4	7.0

APPENDIX TO THE REPORT OF THE CITIZENS' ADVISORY COMMITTEE ON MUFFLER PROBLEMS

REPORT ON MOTOR VEHICLE NOISE TESTS

By D. M. FINCH, Research Engineer
Institute of Transportation and Traffic Engineering
University of California
Engineering Field Station
Richmond, California

REPORT ON MOTOR VEHICLE NOISE TESTS

Institute of Transportation and Traffic Engineering
Engineering Field Station, University of California

July 19 and 20, 1956

A review of motor vehicle noise measurement and evaluation problems was held at the Engineering Field Station on July 19 and 20, 1956. The meeting was arranged by the Advisory Committee on Motor Vehicle Noise for the Assembly Interim Committee on Transportation and Commerce, subcommittee on vehicle noise, Mr. Lee Backstrand, chairman.

The two-day meeting was spent discussing the various aspects of noise measurement and evaluation and in listening to and appraising the noise from various vehicles operating upon the chassis dynamometer. The vehicles included passenger cars with stock and after-market mufflers, foreign cars, motorcycles, light trucks and large gasoline and diesel powered trucks. All vehicles were operated at near maximum load at speeds ranging from 16 to 50 mph

Measurements were made on the speed, horsepower, A-scale of ASA sound level meter, C-scale of ASA sound level meter, sones by octive band method, and jury rating for each noise on a scale of 1-10 (see sample jury rating sheet)

The data are summarized upon the attached data sheets and the results are plotted on the graphs

The following conclusions may be noted.

1. Noise evaluation is subjective and the correlation between jury ratings and meter readings by whatever method will never be too high. But within reasonable tolerance limits one can define a relationship between a noise measurement and a subjective evaluation.

   The graphs show the scatter diagrams for the jury ratings vs. the A-scale, C-scale and sone methods of measurement. From these data it would appear that any of the methods are about equal insofar as correlation with the jury is concerned. A slight advantage is shown by the A-scale method.

   The jury changed slightly on the two days and the basis for appraisal was probably slightly different. On July 19th the tests were mainly on passenger cars and motorcycles, while on July 20th, the appraisals were mainly on trucks The data show a shift between the jury ratings with louder noises receiving more favorable (lower) jury ratings on the 20th.
2. The data for the relation between methods of measurement is quite interesting and indicate very satisfactory agreement between the sone method and the A-scale method. The C-scale vs. sones curve is not too much different from the A-scale curve but the scatter band is wider.
3. The data check previous results that have been obtained by us and other investigators.
4. The portable equipment that was demonstrated indicate that a field evaluation instrument can be obtained if it is agreed that an instrument with a weighting network such as the A-scale will satisfactorily evaluate motor vehicle noises.
5. It should be possible to arrive at maximum values for motor vehicle noises as a result of these and previous tests. The legislative group should be in a better position now to decide whether or not vehicles should have maximum noise limits and how such limits should be defined.

Prepared by

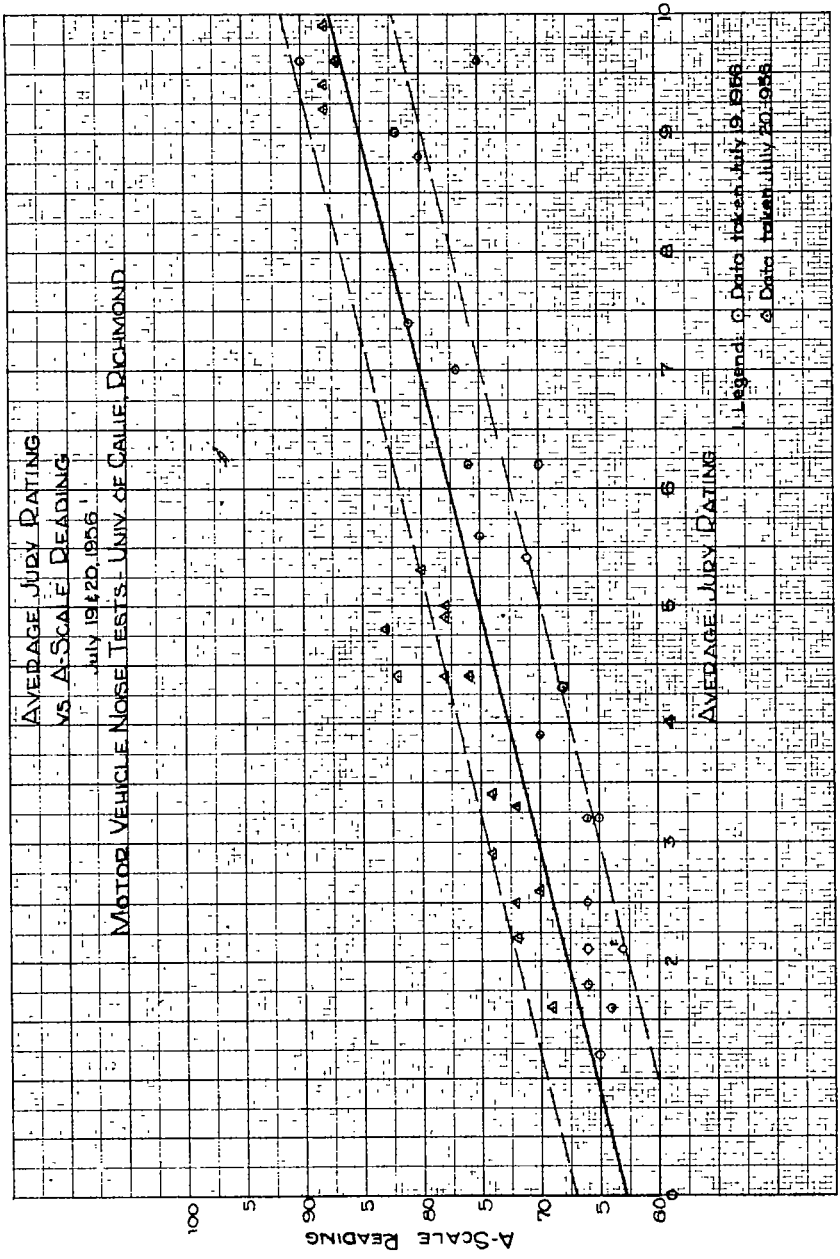
D. M. FINCH, Research Engineer
Institute of Transportation and Traffic Engineering

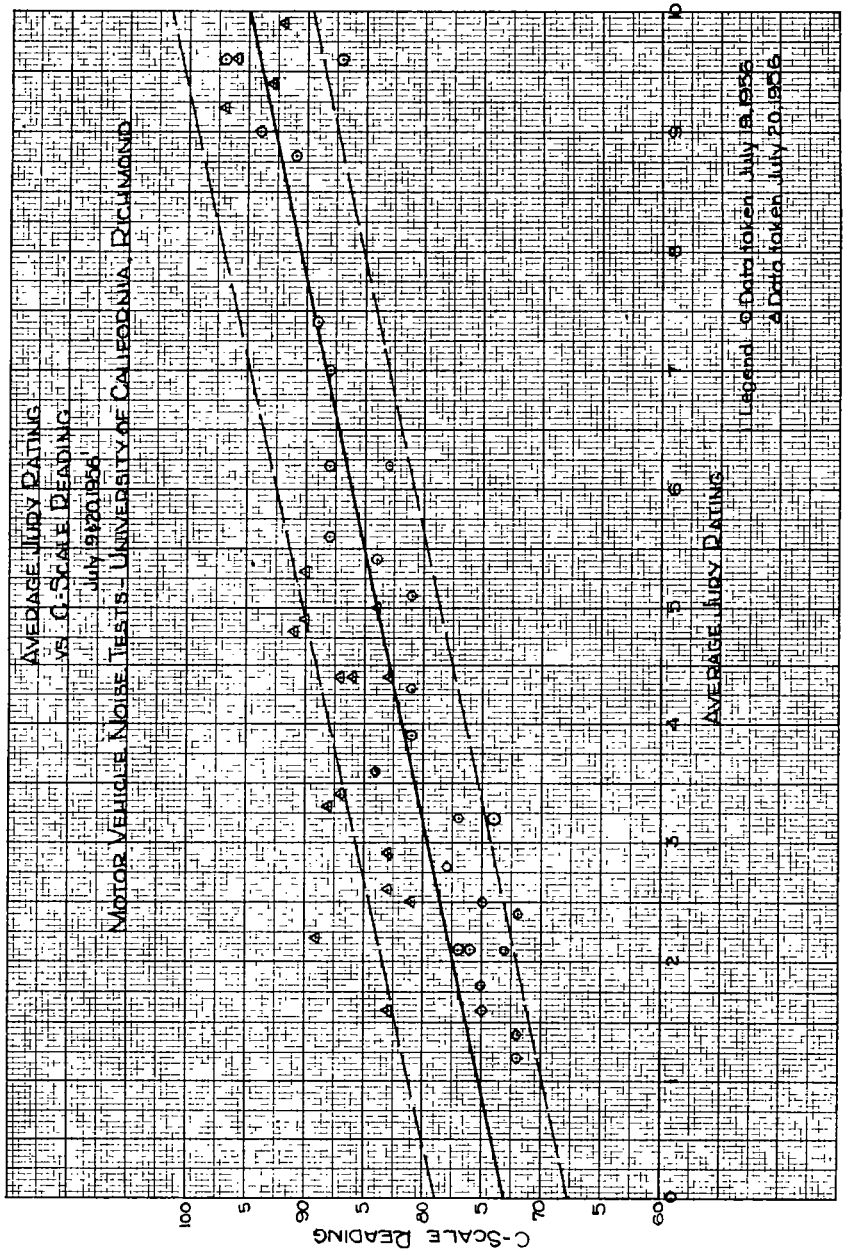
MOTOR VEHICLE NOISE TESTS
University of California
ENGINEERING FIELD STATION
July 19, 1956

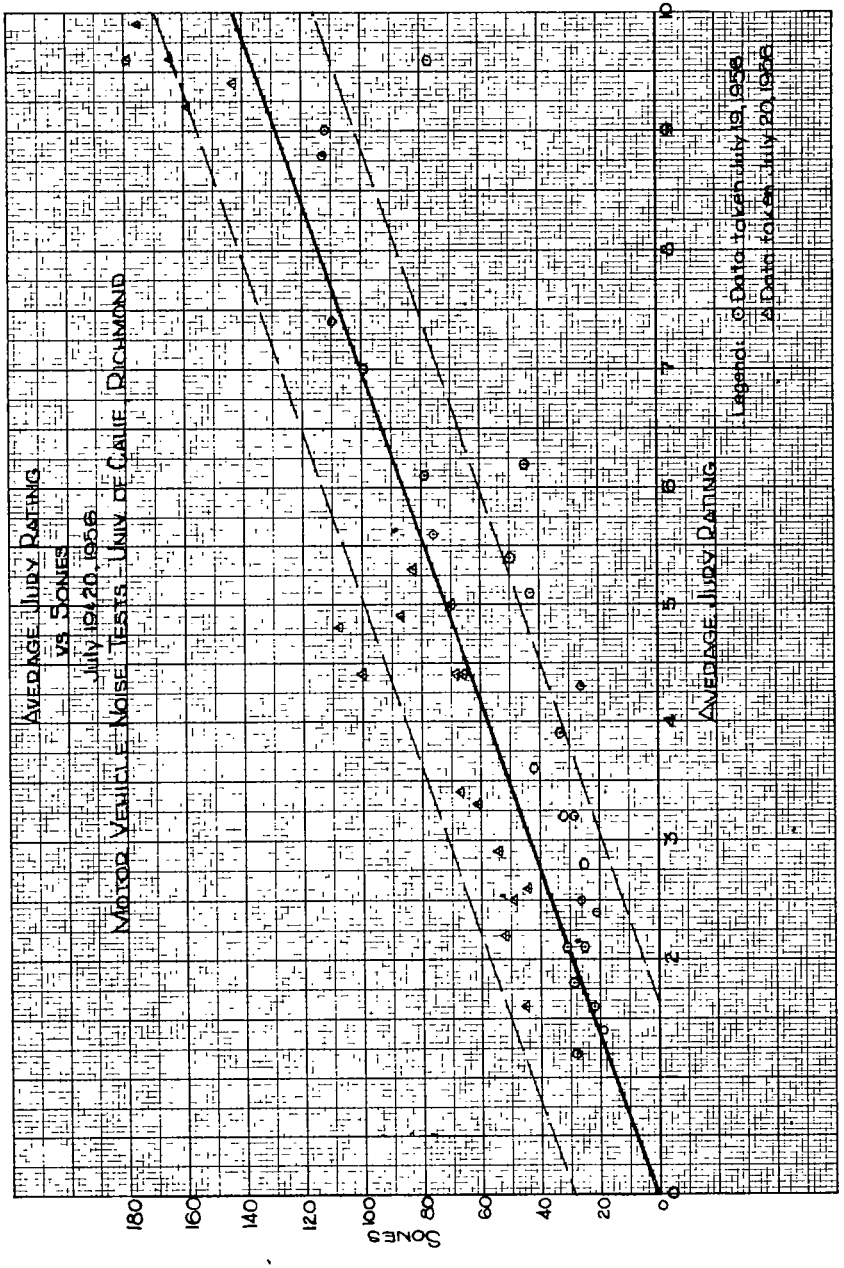
Run No.	Vehicle	Speed	HP	A scale	C scale	Sones	Jury avg.
1	Plymouth—Stock	25	80	64	75	22.1	1.6
2	Chevrolet—Stock	25	70	--	72	19.1	1.4
3	Ford—Stock	25	80	--	72	20.7	2.4
4	Plymouth—AM	25	80	--	84	41.6	3.6
5	Chevrolet—AM	25	75	--	78	25 2	2.8
6	Ford—AM	25	79	--	81	43.0	5 1
7	Plymouth—AM	25	77	70	81	33.1	3.9
8	Chevrolet—AM	25	76	68	81	36.4	4 3
9	Ford—AM	25	77	70	83	45.0	6 2
10	De Soto—Stock	25	100	66	75	26 2	2.5
11	Plymouth—Stock	25	77	66	75	28.6	1.8
12	Chevrolet—Stock	25	81	65	72	29.4	1.2
13	Ford—Stock	25	76	66	73	25 0	2.1
14	Jaguar—3d Gear	25	56	63	77	26.2	2 1
15	Jaguar	40	51	63	76	30 9	2.1
16	MG	25	25	66	74	31.5	3.2
17	MG	40	30	65	77	28 0	3.2
18	Harley-Davidson Cycle—Stock	25	16	71	84	49.8	5.4
19	Harley-Davidson Cycle—Stock	40	23	77	89	91.7	--
20	Triumph—Stock	25	18	75	88	75.8	5.6
21	Triumph—Stock	40	20	76	88	79.0	6 2
22	Harley-Davidson Cycle—St. Pipe	25	17	75	87	76.7	9.6
23	Triumph—St. Pipe	25	17	80	91	113	8.8
24	Harley-Davidson—St. Pipe	40	21	90	97	179	9 6
25	Triumph—St. Pipe	40	19	82	94	111.6	9.0
26	Harley-Davidson—AM	25	16	81	89	110	7.4
27	Triumph—AM	25	--	77	88	99.4	7.0

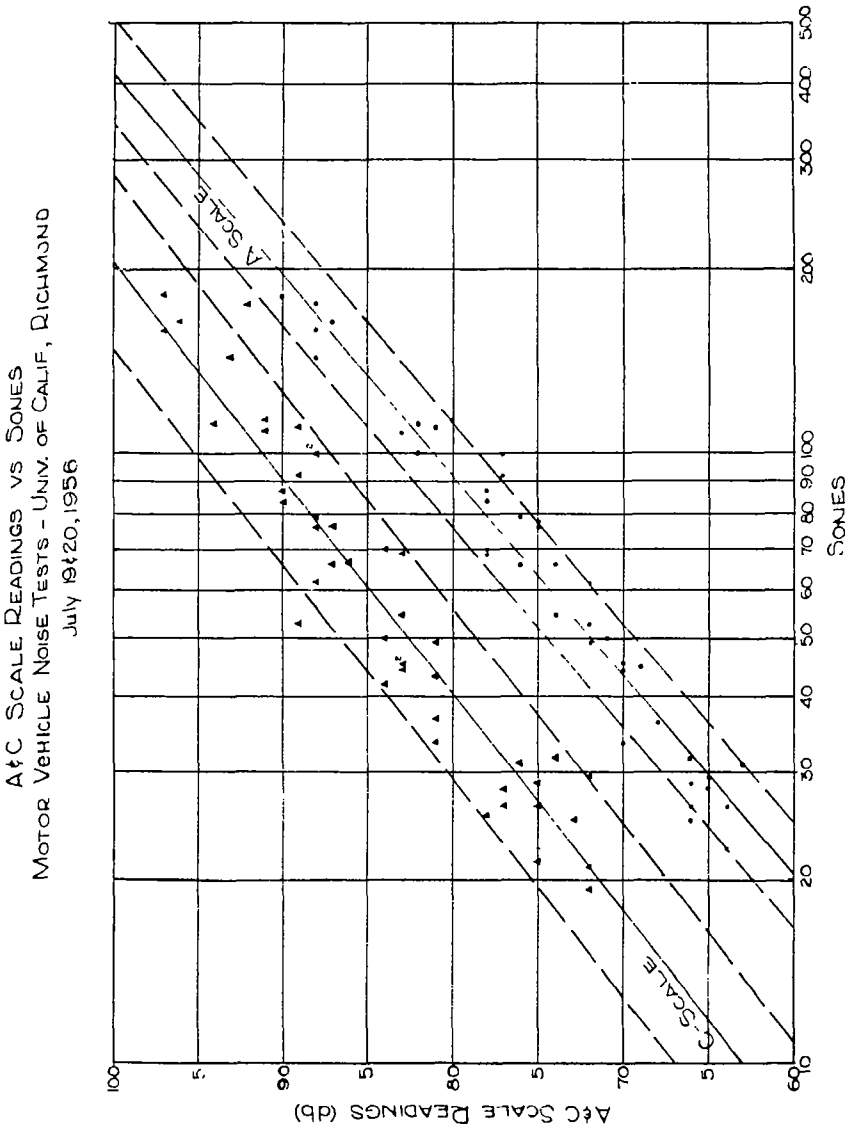
MOTOR VEHICLE NOISE TESTS
University of California
ENGINEERING FIELD STATION
July 20, 1956

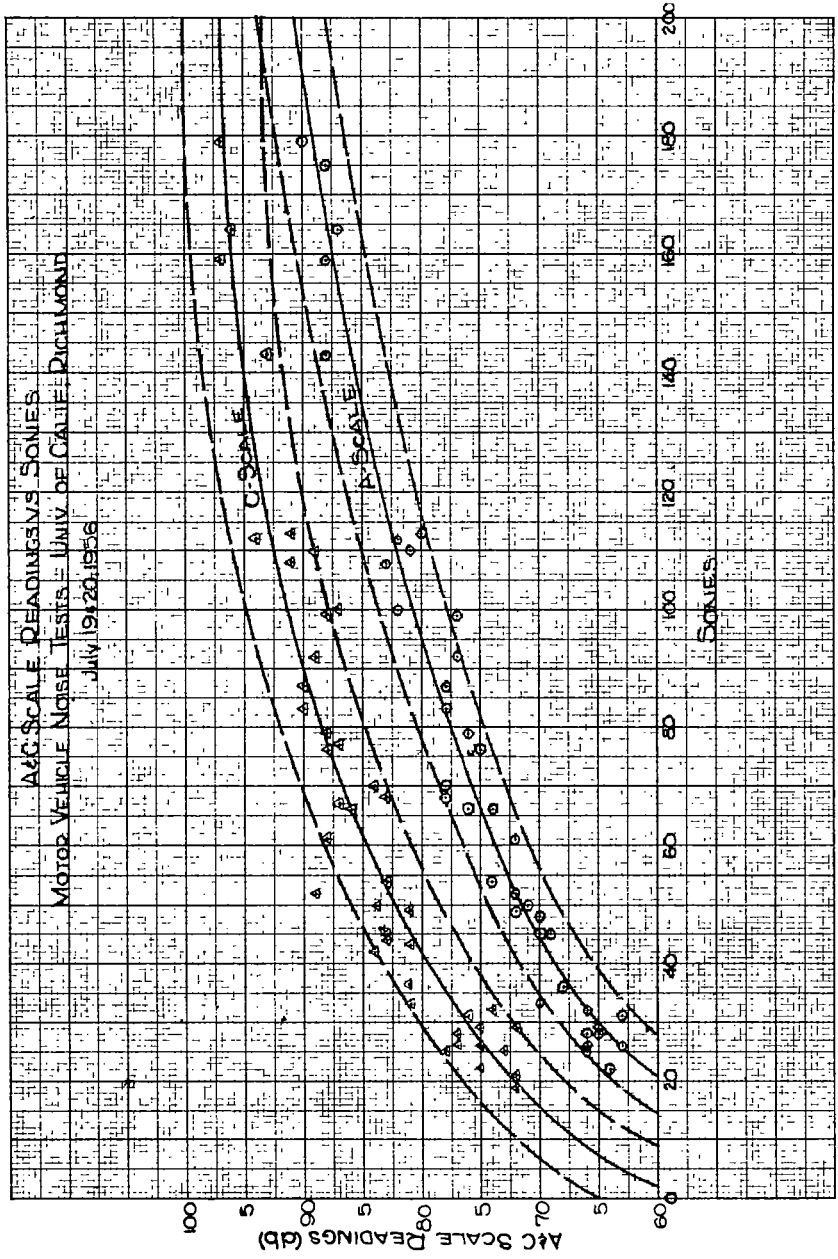
Run No.	Vehicle and muffler	Speed	HP	A scale	C scale	Sones	Jury avg.
1	Greyhound Bus—Stock	23	90	82	87	100.3	4.4
2	Greyhound Bus—Stock	50	115	83	91	107.8	4.8
3	G M.C. Med. Gas Truck—Stock	23	89	72	81	49.2	2 5
4	G.M.C. Med. Gas Truck—Stock	50	90	74	83	54.5	2.9
5	I-H Pickup—Stock	25	60	69	83	44 7	1 6
6	I-H Pickup—Stock	40	62	72	89	52.5	2.2
7	I-H Gas Tractor—Stock	16	35	70	83	44.0	2 6
8	I-H Gas Tractor—Stock	40	96	72	88	61.3	3 3
9	I-H Gas Tractor—Stock	50	89	74	87	66.6	3.4
10	I-H Diesel Tractor—Stock	18	42	76	86	65.9	4.4
11	I-H Diesel Tractor—Stock	30	83	78	90	86.7	4 9
12	I-H Diesel Tractor—Stock	--	--	78	90	82.8	5.3
13	I-H Diesel Turbo Tractor—Stock	23	89	78	83	68.5	4.4
14	I-H Diesel Turbo Tractor—Stock	44	180	78	84	69.9	5.0
15	I-H Gas Tractor—St. Pipe	25	102	88	97	159	9 2
16	I-H Gas Tractor—St. Pipe	45	90	87	96	164	9.6
17	I-H Diesel Tractor—St. Pipe	25	120	88	93	143	9.4
18	I-H Diesel Tractor—St. Pipe	40	120	88	92	175	9.9


Average Jury Rating
vs. A-Scale Reading
July 19 & 20, 1956
Motor Vehicle Noise Tests - Univ. of Calif., Richmond
A-Scale Reading
Average Jury Rating
Legend: ○ Data taken July 19, 1956
△ Data taken July 20, 1956


AVERAGE JURY RATING
VS. C-SCALE READING
JULY 9 & 20, 1956
MOTOR VEHICLE NOISE TESTS - UNIVERSITY OF CALIFORNIA, RICHMOND
C-SCALE READING
AVERAGE JURY RATING
Legend: ○ Data taken July 9, 1956
△ Data taken July 20, 1956


AVERAGE JURY RATING
VS. SONES
JULY 19 & 20, 1956
MOTOR VEHICLE NOISE TESTS - UNIV. OF CALIF., RICHMOND
AVERAGE JURY RATING
SONES
Legend: ○ Data taken July 19, 1956
Δ Data taken July 20, 1956


A&C Scale Readings vs Sones
Motor Vehicle Noise Tests - Univ. of Calif., Richmond
July 19&20, 1956
A Scale
C Scale
A&C Scale Readings (db)
Sones
100
90
80
70
60
5
10
20
30
40
50
60
70
80
90
100
200
300
400
500


A&C SCALE READINGS VS SONES
MOTOR VEHICLE NOISE TESTS - UNIV. OF CALIF. RICHMOND
JULY 19 & 20, 1956
C SCALE
A SCALE
SONES
A&C SCALE READINGS (db)
100
90
80
70
60
5
0
20
40
60
80
100
120
140
160
180
200

E. STATEMENT SUBMITTED BY THE ADVISORY COMMITTEE ON MOTOR VEHICLE LEGISLATION

HANFORD A. CROCKARD, Chairman
J. C. SPENCER, California State Automobile Association, Secretary

December 21, 1956

THE HONORABLE L. M. BACKSTRAND
Chairman, Assembly Interim Committee on Transportation and Commerce
State Capitol, Sacramento, California

DEAR MR. BACKSTRAND: The Advisory Committee on Motor Vehicle Legislation appreciates the invitation which you as Chairman of the Assembly Interim Committee on Transportation and Commerce extended to it to file with your committee a report of the work which the advisory committee has undertaken prior to the convening of the 1957 Regular Session of the California State Legislature.

It would appear appropriate in connection with such a report to include a short history of the Advisory Committee on Motor Vehicle Legislation—how it is constituted and its method of procedure—as well as outlining the scope of its activities during the interim period prior to the opening of the 1957 Session.

Accordingly, I take pleasure in transmitting herewith for the consideration of your interim committee the attached report.

Sincerely,

HANFORD A. CROCKARD, Chairman
J. C. SPENCER, Secretary

The Advisory Committee on Motor Vehicle Legislation is the outgrowth of a group which was originally organized and known as the Motor Vehicle Conference. It was composed of representatives of various organizations such as the Agricultural Legislative Committee, the Automobile Club of Southern California, the California Peace Officers Association, the California State Automobile Association, the County Supervisors Association, the Los Angeles Motor Car Dealers Association, the State Federation of Farm Bureaus, and such state agencies as the Division of Motor Vehicles and the Legislative Counsel Bureau.

During the early days of motor vehicles in California, this motor vehicle conference studied the problems arising as a result of the growth of the motor vehicle industry and worked with various members of the State Legislature in developing laws covering the registration and licensing of motor vehicles, as well as the development of the various rules of the road

In 1931, during the 1931 Regular Session of the California Legislature, a resolution was adopted creating a joint committee of five members to consist of three Members of the California State Senate and two Members of the State Assembly. The objective of this committee was to study the motor vehicle laws then in effect and to bring back to the Legislature a recommendation as to such consolidation as might be deemed necessary. The resolution establishing this joint committee also provided for the appointment of an advisory committee which would include representatives of various agencies, official and unofficial, concerned with motor vehicle legislation.

The legislative interim committee was set up and they, in turn, appointed such an Advisory Committee on Motor Vehicle Legislation. Upon organizing the advisory committee, it was decided that it should have an elected chairman, vice chairman and secretary. Such action was taken early in 1932, and the advisory committee assisted the legislative interim committee in filing a report which proposed a recodification of the vehicle laws, plus various substantive changes recommended by the committee. The Legislative Counsel Bureau and a drafting committee of the advisory committee prepared the text of the proposed new code.

As a result of the program which was initiated in 1932 and considered during the 1933 Session of the Legislature, a California Code Commission draft was introduced in the 1935 Session and became Chapter 27, Statutes of 1935.

Since the organization of the Advisory Committee on Motor Vehicle Legislation in 1932 for the purpose of assisting the legislative interim committee at that time, the advisory committee has continued to function as a voluntary association of representatives of all organizations interested in the motor vehicle industry. At the present time, the committee consists of representatives of some 75 separate organizations, plus representatives of eight agencies of the State Government. The organization of the committee is still substantially the same as when it was started. It is a loosely knit organization, having but three officers, namely, a chairman, vice chairman and a secretary. It meets during the interim period between sessions of the Legislature, not as a hearing committee but rather as a forum to which proposals are presented and studied.

In order to obtain full consideration for all proposals submitted to the committee, it has set up four regular standing subcommittees, as follows:

No 1. Registration;
No. 2. Drivers licenses and financial responsibility;
No. 3. Rules of the road and procedure;
No. 4. Technical.

As the names would imply, Subcommittee No. 1 considers all matters relating to registration, dealers licensing, auto wreckers fees, taxes and reciprocity; Subcommittee No. 2 considers all matters relating to drivers' licenses and security and financial responsibility laws; Subcommittee No. 3 considers proposals relating to traffic laws as set forth in Division 9 of the Vehicle Code, penalties and procedure in Division 12 and fines and forefeitures covered in Division 13 of the Vehicle Code; and Subcommittee No. 4, Technical, covers all matters relating to the equipment of vehicles and the size, weight and loading of vehicles as set forth in Division 10 and Division 11 of the Vehicle Code.

To expedite the work of the committee, they have one additional standing subcommittee known as the drafting committee to which all proposals are referred after approval for the purpose of preparing a suitable draft of the proposal for the consideration of the Legislature

The proposals which are considered by the committee originate in various ways. Some are submitted by individuals, many are presented by the organizations which are represented on the committee and a

large number come from various agencies of the State Government who are concerned with the administration of the Vehicle Code and other laws covering the use and operation of motor vehicles.

While the committee itself is composed of regularly designated representatives of the various organizations and agencies, it should be stated that anyone sponsoring a proposal which has any bearing upon the motor vehicle industry can submit such a proposal to the advisory committee and may appear before the committee in explanation of such a proposal or in support thereof.

Finally, it should be stated that even though the full advisory committee may take action approving or disapproving any individual proposal, such action does not preclude the proposal being introduced in the Legislature by its proponents. In the event such action is taken, it, of course, is perfectly proper for representatives of the advisory committee as a whole to appear before the legislative committee considering such a proposal and go on record as to the action which has heretofore been taken by the advisory committee.

In addition to the regular standing committees, named above, the advisory committee from time to time has referred to special subcommittees problems which it has been felt should receive more detailed study and consideration. Such a special committee was established in 1952 for the purpose of studying the problem of motor vehicle speed and braking efficiency. A great deal of consideration was given by this subcommittee to these problems and their study resulted in the introduction of legislation in the 1953 Legislature which was approved by the Legislature, but which was vetoed by the Governor. The committee was reactivated in 1954—and as a result of its study during that interim period, a bill was developed to cover the subject of braking efficiency. That bill received legislative approval and is now a part of the California Vehicle Code.

The subcommittee has continued to study the speed regulations and will bring to the Legislature during the coming session a measure which they feel will do much to clarify the present provisions of the Vehicle Code regulating speed.

ACTIVITY OF COMMITTEE PRIOR TO 1957 REGULAR LEGISLATIVE SESSION

The Advisory Committee on Motor Vehicle Legislation has presently held three meetings, and in order to conclude its consideration of proposals which have been submitted, held a meeting during the early part of January, 1957. Up to the present time, there have been 299 proposals submitted to the committee for study and action, of which 165 have received approval, 37 have been disapproved or tabled, 25 were withdrawn by their proponents, and 72 have been held over for further explanation and consideration.

One matter which has received a great deal of attention by the Advisory Committee on Motor Vehicle Legislation is the proposal embodied in House Resolution 216 of the 1955 Session, and which originated in the advisory committee, that a study be made preparatory to recodification of the Vehicle Code. A special subcommittee of the Assembly Interim Committee on Transportation and Commerce was designated by Chairman Backstrand to make this study—and in order to help in this work, the advisory committee appointed a special

subcommittee to work with the legislative subcommittee. That subcommittee of the advisory committee has met on several occasions and will continue to work in conjunction with the legislative committee with the hope that the monumental task of preparing a suitable draft of the proposed recodification may receive early and favorable consideration by the Legislature in the coming session.

As a result of the tremendous growth in the number of motor vehicles owned and operated in California, many problems have arisen in connection with the administration of the registration of motor vehicles. Included in this broad category are questions as to registration records, the various special permits, display of license plates, special plates for various segments of the industry, such as manufacturers, dealers and wreckers, a more efficient and practical way to administer the Caravan Act and the proper fees which should be charged for the numerous and varied types of vehicles and the manner of their operation. Some of the special problems which have been presented and which we feel have been solved by the action of the Advisory Committee on Motor Vehicle Legislation are as follows:

Difficulties have arisen in connection with the special one-trip permits which have heretofore been issued to cover vehicles prior to registration. Under a proposal approved by the advisory committee, the language of this section has been clarified to outline just exactly what vehicles may be moved under such a permit and specific provisions incorporated outlining what type of operation may be conducted under such a permit.

Considerable difficulty has arisen in regard to the proper display of license plates on motor vehicles. Through action taken by the advisory committee, a draft will be presented to the Legislature clarifying the Vehicle Code in respect to such an item.

As is only natural, the Department of Motor Vehicles as a result of their administration of the present laws have encountered various problems which, through proper amendment to the Vehicle Code, may be simplified and, in many cases, reduce the costs. Present code provisions provide that license plates must be changed every five years. A draft has been prepared to amend this section to allow the department in its discretion to extend the life of current license plates for an indefinite period of time, but in no event for a period of less than five years from the date of issuance.

A specific instance of how a hardship has been worked upon California residents is the situation in which a nonresident owner of a motor vehicle serving in the armed forces of the United States is granted an exemption against registering his car in the State of California while it has valid registration plates from another state, whereas a resident owner of such a vehicle must immediately reregister his car in California.

A draft approved by the advisory committee will do away with that distinction between a nonresident and a resident owner.

A number of provisions have been proposed for the clarification and simplification of the registration requirements covering the vehicles which have been acquired by wreckers which no longer can be operated upon a highway.

There have been numerous instances in which hardship has been claimed by individuals and corporations in the caravaning of vehicles. The provisions of the Vehicle Code covering caravaning of vehicles have been clarified to expedite this type of operation and still result in the proper observance of the objectives of that law.

One of the most serious peacetime problems confronting this State, as well as the entire Nation, is the traffic accident problem. One of the approved techniques for a solution of this problem is through the proper administration of our driver licensing laws. Numerous recommendations have been made by interested agencies, groups such as the Governor's Traffic Safety Conference, and interested individuals urging a strengthening of those provisions of the Vehicle Code regulating the issuance of operators and chauffeurs licenses. The advisory committee has studied all of these problems and will suggest to the Legislature that the provisions governing the issuance and retention of a license evidencing a grant of the privilege of the driving a motor vehicle may be further strengthened. A specific proposal which has been studied very seriously by the advisory committee will propose that the procedure by which a driver's license may be obtained will be materially strengthened. Provisions will be presented to more specifically outline the scope of the examination which must be successfully passed before the privilege of driving is granted to any applicant.

Additional provisions and clarification of the present law will be proposed to strengthen the power of the Department of Motor Vehicles in connection with the issuance or refusal of a driver's license.

In connection with the various proposals which will be made to strengthen, clarify and improve the registration and driver's license provisions of the Vehicle Code are necessary amendments to the code setting up the fees which shall be paid for these various services.

A very important subject which will undoubtedly receive thorough consideration by the Legislature is the question of strengthening and improving the civil and financial responsibility provisions of the code. The advisory committee has given a great deal of time to the study of this subject and will make certain recommendations to the Legislature outlining the feeling of the committee insofar as effectively securing proper and adequate provisions are concerned.

California has taken a leading position in the effort to solve the traffic accident problem through education. It was the first state in the Union to provide for the mandatory requirement that driver education be offered as a course of instruction in our secondary schools. In addition to the requirement that our young people be offered an opportunity to secure the knowledge necessary in this motor vehicle age, it was recognized that regulation of private driving schools would prove of material help. Through a study of the workings of the present provisions of the Vehicle Code regulating commercial driving schools, a number of amendments have been made to those provisions to make the law more workable.

As is only natural, the question of providing the proper laws and rules governing the movement of traffic on our streets and highways continues to receive consideration by law enforcement agencies, traffic engineers, safety organizations and generally, the public as a whole. There are numerous suggestions made to add to, amend or clarify the

present rules of the road which are outlined in Division 9 of the Vehicle Code. The membership of the advisory committee is particularly well qualified to consider this broad general subject in view of the varied background of the members of the committee, consisting as they do of traffic engineers, traffic law officials, representatives of organized motorists, and representatives of the various agencies of the State Government who are primarily concerned with the use and operation of motor vehicles.

Proposals have been submitted to clarify the rules of the road covering the erection and maintenance of proper signs and signals and marking devices and the proper control and regulation of pedestrian movement as well.

As has heretofore been stated in this report, the Advisory Committee on Motor Vehicle Legislation, through the work of a special subcommittee, has for a number of years been studying the subject of speed regulation. Proposals will be submitted to the Legislature for its consideration outlining the thinking of the advisory committee on such changes in our present speed laws as are felt to be necessary in order to secure proper control over the speed of our motor vehicle traffic, without becoming unduly restrictive and without taking away any of the mobility which the motor vehicle has brought to our people.

There are a number of problems which have arisen as a result of the development of our highway program in this State. Consideration must be given to the various types of traffic, such as full freeways, limited access highways, as well as our average city streets and county roads. The recommendations which will come from the advisory committee on this important subject of speed regulation will, we hope, receive favorable consideration by the Legislature.

Primarily as a result of the terrific increase in the number of our motor vehicles in California, other problems have developed, such as proper regulation and approval of lighting equipment and sizes and weights.

A serious problem has been the proper regulation of mufflers and exhaust noises. This is a subject which has been receiving consideration by the Legislature itself and the advisory committee, in an effort to assist in a solution of the problem, appointed a special subcommittee with the hope that a thorough study by such a subcommittee would develop recommendations which would prove of assistance to the legislative committees who are likewise working toward a solution. It is expected that that subcommittee will be in a position to propose amendments to the Vehicle Code which will prove of help in solving the problem.

Ever since the early days of the motor vehicle, the question of regulating proper lighting equipment for motor vehicles has received a great deal of attention. The motor vehicle industry itself is continually developing new types of headlights, warning lights, and signal lights—and the advisory committee has made it a practice to keep in touch with the developments and provide amendment and clarification of the lighting provisions of the code for the proper use of newly developed lights.

As is only natural, numerous proposals have been made to solve the traffic accident problem through the technique of traffic law enforcement. The advisory committee has long recognized that there will al-

ways be a minority of motor vehicle operators whose actions on the public highways will be controlled only through proper law enforcement. Every effort should be made to insure that those individuals who fail to recognize their primary responsibility for operating their vehicle in a safe and sane manner should be deprived of the privilege of driving. The advisory committee will submit to the Legislature recommendations for strengthening the provisions of the Vehicle Code in this respect.

The advisory committee will, it is hoped, complete its consideration of the many proposals which have been submitted to it in time to present to the proper legislative committees of the Legislature their recommendations in draft form.

Appreciation should be expressed at this time to the Members of the Legislature who have invited the Advisory Committee on Motor Vehicle Legislation to submit this report of its activity.

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STUDY MATERIAL

House Resolution No. 166, 1957

To be used in connection with the Assembly Interim Committee's consideration of Assembly Bill No. 3334

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By Mr. Coolidge

Relative to Interim Committee Study of Assembly Bill No. 3334.

WHEREAS, The taxpayers of this State are confronted with many problems in the application to them of both the California Personal Income Tax Law and the income tax imposed by the Federal Internal Revenue Code; and

WHEREAS, These problems have become increasingly vexing in view of the many differences between the two laws, particularly with respect to the filing of returns; and

WHEREAS, Assembly Bill No. 3334 of the current session represents an attempt to solve these problems; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Revenue and Taxation is hereby directed to study and investigate Assembly Bill No. 3334 and submit its report and recommendations thereon to this Assembly not later than the second day of the Regular Session of 1959; and be it further

Resolved, That the Chief Clerk of the Assembly, in accordance with instructions of and as directed by the chairman of the committee, have printed up that portion of the Federal Internal Revenue Code referred to in the bill, together with such other materials as may be necessary, for the use of the committee in its consideration of the bill.

This material is drafted in such a manner that the Interim Committee can study the incorporation by reference theory in ease and free of confusion.

The draft is broken down into three parts:

Federal Sections Essentially

The material under this heading is primarily Federal sections. Preceding each Federal Section number is I.R.C. meaning Internal Revenue Code Sections. Sections without I.R.C. are either new proposals or current income tax law sections.

Current Income Tax Sections

Actually part and parcel of current income tax law both in number and substance.

New Sections

Proposed Board of Tax Appeals.

The section numbers do not run consecutively, purposely, because the committee is interested in the source of the material, and in the ease of reference therefor the actual section numbers of the respective laws are used whenever and wherever possible.

FEDERAL SECTIONS ESSENTIALLY

PART 10

PERSONAL INCOME TAX LAW

Chapter A—Determination of Tax Liability

ARTICLE 1—TAX ON INDIVIDUALS

Sec. 1. Tax Imposed

(a) **Rates of Tax on Individuals.** A tax is hereby imposed for each taxable year on the State taxable income of every individual. The amount of the tax shall be determined in accordance with the following table:

INDIVIDUALS' INCOME TAX TABLES

Tables for Separate Returns of Single or Married Persons

Separate Returns

Taxable Income Over	Not Over	*Pay* +	*This % of Excess Over First Col.*
$3,000-	$5,500		1%
5,500-	9,500	$25	2%
9,500-	13,500	105	3%
13,500-	17,500	225	4%
17,500-	21,500	385	5%
21,500-	35,000	585	6%
35,000-	250,000	1,395	7%
250,000		16,445	8%

Head of Household

Taxable Income Over	Not Over	*Pay* +	*This % of Excess Over First Col.*
$4,000-	$8,000		1%
8,000-	11,500	$40	2%
11,500-	15,000	110	3%
15,000-	20,000	215	4%
20,000-	25,000	415	5%
25,000-	30,000	665	6%
30,000-	250,000	965	7%
250,000		1,540	8%

TABLES FOR JOINT RETURNS AND SURVIVING SPOUSES

Taxable Income Over	Not Over	*Pay* +	*This % of Excess Over First Col*
$4,000	$11,000		1%
11,000	23,000	$70	2%
23,000	30,000	310	3%
30,000	40,000	520	4%
40,000	50,000	920	5%
50,000	60,000	1,420	6%
60,000	250,000	2,020	7%
250,000		8,320	8%

(b) (1) *Definition of head of household.* For purposes of this subtitle, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of his taxable year, is not a surviving spouse (as defined in section 2 (b)), and either—

(A) maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of—

(i) a son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to a deduction for the taxable year for such person under section 151, or

(ii) any other person who is dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 151, or

(B) maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 151.

For purposes of this paragraph and of section 2(b)(1)(B), an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

(2) *Determination of status.*—For purposes of this subsection—

(A) a legally adopted child of a person shall be considered a child of such person by blood;

(B) an individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married; and

(C) a taxpayer shall be considered as married at the close of his taxable year if his spouse died during the taxable year.

(3) *Limitations.*—Notwithstanding paragraph (1), for purposes of this part a taxpayer shall not be considered to be a head of a household—

(A) by reason of an individual who would not be a dependent for the taxable year but for—

(i) paragraph (9) of section 152(a),

(ii) paragraph (10) of section 152(a), or

(iii) subsection (c) of section 152.

IRC—Sec. 2. Tax in Case of Joint Return or Return of Surviving Spouse

(a) **Rate of Tax.**

In the case of a joint return of a husband and wife under section 6013, the tax imposed by section 1 shall be twice the tax which would be imposed if the state taxable income were cut in half. For purposes of this subsection a return of a surviving spouse (as defined in subsection (b)) shall be treated as a joint return of a husband and wife under section 6013.

(b) **Definition of Surviving Spouse.**

(1) *In General.*—For purposes of subsection (a), the term "surviving spouse" means a taxpayer—

(A) whose spouce died during either of his two taxable years immediately preceding the taxable year, and

(B) who maintains as his home a household which constitutes for the taxable year the principal place of abode (as a member of such household) of a dependent (i) who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer, and (ii) with respect to whom the taxpayer is entitled to a deduction for the taxable year under section 151.

(2) *Limitations.*—Notwithstanding paragraph (1), for purposes of subsection (a) a taxpayer shall not be considered to be a surviving spouse—

(A) if the taxpayer has remarried at any time before the close of the taxable year, or

(B) unless, for the taxpayer's taxable year during which his spouse died, a joint return could have been made under the provisions of section 6013 (without regard to subsection (a) (3) thereof) or under the corresponding provisions of the Internal Revenue Code of 1939.

Chapter B—Computation of Taxable Income

ARTICLE 1—DEFINITION OF GROSS INCOME, ADJUSTED GROSS INCOME, AND TAXABLE INCOME

IRC—Sec. 61. Gross Income Defined

IRC—Sec. 62. Adjusted Gross Income Defined

Sec. 63. Taxable Income Defined

(a) **General Rule.** Except as provided in subsection (b), for purposes of this part the term "taxable income" means gross income, minus the deductions allowed by this part, other than the standard deduction (sec. 141 and following).

(b) **Individuals Electing Standard Deduction.** In the case of an individual electing under section 144 to use the standard deduction

(sec. 141 and following), for purposes of this part the term "taxable income" means adjusted gross income, minus—

(1) such standard deduction, and

(2) the deductions for personal exemptions provided in section 151.

Sec. 64. "State Taxable Income"

The term "state taxable income" means "taxable income" and such additions thereto and subtractions therefrom as are hereinafter provided in Section _____.

Sec. 65. Determination of the State Taxable Income

"State taxable income" shall be determined as hereinafter provided:

(a) To the amount ascertained as the "taxable income," if not included in the determination thereof, there shall be added:

1. Compensation of employees of foreign countries and compensation of officers and employees of the United States or agencies or instrumentalities thereof to the extent the collection of state taxes thereon is not prohibited by the Federal or State Constitution or laws or treaties with foreign countries.

2. Interest and dividends from foreign securities and from securities of state and other political subdivisions exempt from federal income tax under the Constitution or laws of the United States.

3. Any compensation and other income of any officer or employee of this State, or any political subdivision thereof, which is exempt from taxation under the Internal Revenue Code.

4. Compensation and other income which this State is not prohibited from taxing under the Constitution or laws of the United States or this State or under treaties with foreign countries.

(b) From the amount ascertained as the taxable income, if included in the determination thereof, there shall be subtracted:

1. Any or all compensation and other income which this State is prohibited from taxing under the Constitution or laws of the United States or this State or under treaties with foreign countries.

2. Interest and dividends from federal securities not taxable by the states.

ARTICLE 2—ITEMS SPECIFICALLY INCLUDED IN GROSS INCOME

IRC—Sec. 71. Alimony and Separate Maintenance Payments

IRC—Sec. 72. Annuities, etc.

IRC—Sec. 73. Services of Child

IRC—Sec. 74. Prizes and Awards

IRC—Sec. 75. Dealers in Tax-Exempt Securities

IRC—Sec. 77. Commodity Credit Loans

ARTICLE 3—ITEMS SPECIFICALLY EXCLUDED FROM GROSS INCOME

IRC—Sec. 101. Certain Death Benefits

IRC—Sec. 102. Gifts and Inheritances

Sec. 103. Constitutionally Exempt Income

Gross income does not include income which this State is prohibited from taxing under the Constitution or laws of the United States of America or under the Constitution of this State.

IRC—Sec. 104. Compensation for Injuries or Sickness

IRC—Sec. 105. Amounts Received Under Accident and Health Plans

IRC—Sec. 106. Contributions by Employer to Accident and Health Plans

IRC—Sec. 107. Rental Value of Parsonages

IRC—Sec. 108. *Income From Discharge of Indebtedness* as hereinafter amended

(a) **Special Rule of Exclusion.**

(1) (A) Excepted.

IRC—Sec. 109. Improvements by Lessee on Lessor's Property

IRC—Sec. 111. *Recovery of Bad Debts, Prior Taxes, and Delinquency Amounts* as hereinafter amended

(b) **Definitions.**

(4) Recovery Exclusion, except language in parenthesis.

IRC—Sec. 112. Certain Combat Pay of Members of the Armed Forces

IRC—Sec. 113. Mustering Out Payments for Members of the Armed Forces

IRC—Sec. 117. Scholarships and Followship Grants

IRC—Sec. 119. Meals or Lodging Furnished for Convenience of Employer

IRC—Sec. 120. Statutory Subsistence Allowance Received by Police

ARTICLE 4—STANDARD DEDUCTION FOR INDIVIDUALS

IRC—Sec. 141. Standard Deduction

IRC—Sec. 142. *Individuals Not Eligible for Standard Deduction* as hereinafter amended

(b) **Certain Other Taxpayers Ineligible.**

(1) Excepted.

(2) Excepted.

IRC—Sec. 143. Determination of Marital Status

IRC—Sec. 144. Election of Standard Deductions as hereinafter amended

(a) **Method and Effect of Election.**

(1) The standard deduction shall be allowed if the taxpayer so elects in his return, and the Franchise Tax Board shall by regulations prescribe the manner of signifying such election in the return.

(b) **Change of Election.** Under regulations prescribed by the Franchise Tax Board, a change of an election for any taxable year to take, or not to take, the standard deduction, may be made after the filing of the return for such year. If the spouse of the taxpayer filed a separate return for any taxable year corresponding, for purposes of section 142 (a), to the taxable year of the taxpayer, the change shall not be allowed unless, in accordance with such regulations—

(1) the spouse makes a change of election with respect to the standard deduction for the taxable year covered in such separate return, consistent with the change of election sought by the taxpayer, and

(2) the taxpayer and his spouse consent in writing to the assessment, within such period as may be agreed on with the Secretary or his delegate, of any deficiency, to the extent attributable to such change of election, even though at the time of the filing of such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

ARTICLE 5—DEDUCTIONS FOR PERSONAL EXEMPTIONS

IRC—Sec. 151. Allowance of Deductions for Personal Exemptions

IRC—Sec. 152. Dependent Defined

IRC—Sec. 153. Determination of Marital Status

ARTICLE 6—ITEMIZED DEDUCTIONS FOR INDIVIDUALS

IRC—Sec. 161. Allowance of Deductions

IRC—Sec. 162. Trade or Business Expenses

Sec. 162.5. Expense, Not Deductible

The deductions permitted by Section 162 shall not be allowed to the extent that they are connected with the production of income not taxable under this part. Proper apportionment and allocation of such deductions with respect to taxable and nontaxable income shall be determined under rules and regulations prescribed by the Franchise Tax Board.

IRC—Sec. 163. Interest as hereinafter amended

(a) **General Rule.** There shall be allowed as a deduction all interest paid or accrued within the taxable year on indebtedness. However, no deduction shall be allowed (a) to the extent that it is connected with income not taxable under this part; or (b) for interest paid or accrued within the taxable year on indebtedness incurred or continued to purchase or carry obligations, the interest upon which is wholly exempt from the tax imposed by this part. The proper apportionment and allocation of the deduction with respect to taxable and nontaxable income shall be determined under rules and regulations prescribed by the Franchise Tax Board.

(b) **Installment Purchases Where Interest Charge Is Not Separately Stated.**

(1) *General Rule.* If personal property is purchased under a contract—

(A) which provides that payment of part or all of the purchase price is to be made in installments, and

(B) in which carrying charges are separately stated but the interest charge cannot be ascertained,

then the payments made during the taxable year under the contract shall be treated for purposes of this section as if they included interest equal to 6 percent of the average unpaid balance under the contract during the taxable year. For purposes of the preceding sentence, the average unpaid balance is the sum of the unpaid balance outstanding on the first day of each month beginning during the taxable year, divided by 12.

(2) *Limitation.* In the case of any contract to which paragraph (1) applies, the amount treated as interest for any taxable year shall not exceed the aggregate carrying charges which are properly attributable to such taxable year.

IRC—Sec. 164. Taxes as hereinafter amended

(a) **General Rule.** Except as otherwise provided in this section, there shall be allowed as a deduction taxes paid or accrued within the taxable year.

(b) **Deduction Denied in Case of Certain Taxes.** No deduction shall be allowed for the following taxes:

(1) Federal income taxes, including—

(A) the tax imposed by Section 3101 (relating to the tax on employees under the Federal Insurance Contributions Act);

(B) the taxes imposed by Sections 3201 and 3211 (relating to the taxes on railroad employees and railroad employee representatives); and

(C) the tax withheld at source on wages under Section 3402, and corresponding provisions of prior revenue laws.

(2) Federal war profits and excess profits taxes.

(3) Federal import duties, and Federal excise and stamp taxes (not described in paragraph (1), (2), (4), or (5)); but this paragraph shall not prevent such duties and taxes from being deducted under Section 162 (relating to trade or business expenses) or Section 212 (relating to expenses for the production of income).

(4) Estate, inheritance, legacy, succession, and gift taxes.

(5) Taxes computed as an addition to, or as a percentage of, taxes which are not deductible under this section;

(6) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed; but this paragraph shall not prevent—

(A) the deduction of so much of such taxes as is properly allocable to maintenance or interest charges; or

(B) the deduction of taxes levied by a special taxing district if—

(i) the district covers the whole of at least one county;

(ii) at least 1,000 persons are subject to the taxes levied by the district; and

(iii) the district levies its assessments annually at a uniform rate on the same assessed value of real property, including improvements, as is used for purposes of the real property tax generally.

(7) Income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States, if the taxpayer chooses to take to any extent the benefits of Section 901 (relating to the foreign tax credit).

(8) Taxes on real property, to the extent that subsection (d) requires such taxes to be treated as imposed on another taxpayer.

(c) **Certain Retail Sales Taxes and Gasoline Taxes.**

(1) *General Rule.* In the case of any state or local sales tax, if the amount of the tax is separately stated, then, to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer's trade or business) to his seller, such amount shall be allowed as a deduction to the consumer as if it constituted a tax imposed on, and paid by, such consumer.

(2) *Definition.* For purposes of paragraph (1), the term "State or local sales tax" means a tax imposed by a state, a territory, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia, which tax—

(A) is imposed on persons engaged in selling tangible personal property at retail (or on persons selling gasoline or other motor vehicle fuels at wholesale or retail) and is a stated sum per unit of property sold or is measured either by the gross sales price or by the gross receipts from the sale; or

(B) is imposed on persons engaged in furnishing services at retail and is measured by the gross receipts for furnishing such services.

(d) **Apportionment of Taxes on Real Property Between Seller and Purchaser.**

(1) *General Rule.* For purposes of subsection (a), if real property is sold during any real property tax year, then—

(A) so much of the real property tax as is properly allocable to that part of such year which ends on the day before the date of the sale shall be treated as a tax imposed on the seller, and

(B) so much of such tax as is properly allocable to that part of such year which begins on the date of the sale shall be treated as a tax imposed on the purchaser.

(2) *Special Rules.*—

(A) In the case of any sale of real property, if—

(i) a taxpayer may not, by reason of his method of accounting, deduct any amount for taxes unless paid, and

(ii) the other party to the sale is (under the law imposing the real property tax) liable for the real property tax for the real property tax year,

then for purposes of subsection (a) the taxpayer shall be treated as having paid, on the date of the sale, so much of such

tax as, under paragraph (1) of this subsection, is treated as imposed on the taxpayer. For purposes of the preceding sentence, if neither party is liable for the tax, then the party holding the property at the time the tax becomes a lien on the property shall be considered liable for the real property tax for the real property tax year

(B) Paragraph (1) shall apply to taxable years ending after December 31, 1953, but only in the case of sales after December 31, 1953.

(C) Paragraph (1) shall not apply to any real property tax, to the extent that such tax was allowable as a deduction under the Internal Revenue Code of 1939 to the seller for a taxable year which ended before January 1, 1954.

(D) In the case of any sale of real property, if the taxpayer's taxable income for the taxable year during which the sale occurs is computed under an accrual method of accounting, and if no election under section 461 (c) (relating to the accrual of real property taxes) applies, then, for purposes of subsection (a), that portion of such tax which—

(i) is treated, under paragraph (1) of this subsection, as imposed on the taxpayer, and

(ii) may not, by reason of the taxpayer's method of accounting, be deducted by the taxpayer for any taxable year, shall be treated as having accrued on the date of the sale.

(e) **Taxes of Shareholder Paid by Corporation.** Where a corporation pays a tax imposed on a shareholder on his interest as a shareholder, and where the shareholder does not reimburse the corporation, then—

(1) the deduction allowed by subsection (a) shall be allowed to the corporation; and

(2) no deduction shall be allowed the shareholder for such tax.

IRC—Sec. 165. Losses as hereinafter amended

(a) **General Rule.** There shall be allowed as a deduction any loss sustained during the taxable year and not compensated for by insurance or otherwise.

(b) **Amount of Deduction.** For purposes of subsection (a), the basis for determining the amount of the deduction for any loss shall be the adjusted basis provided in section 1011 for determining the loss from the sale or other disposition of property.

(c) **Limitation on Losses of Individuals.** In the case of an individual, the deduction under subsection (a) shall be limited to—

(1) losses incurred in a trade or business;

(2) losses incurred in any transaction entered into for profit, though not connected with a trade or business; and

(3) losses of property not connected with a trade or business, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft. No loss described in this paragraph shall be allowed if, at the time of the filing of the return, such loss has been claimed for inheritance tax purposes in the inheritance tax return.

(d) **Wagering Losses.** Losses from wagering transactions shall be allowed only to the extent of the gains from such transactions.

(e) **Theft Losses.** For purposes of subsection (a), any loss arising from theft shall be treated as sustained during the taxable year in which the taxpayer discovers such loss.

(f) **Capital Losses.** Losses from sales or exchanges of capital assets shall be allowed only to the extent allowed in sections 1211 and 1212.

(g) **Worthless Securities.**

(1) *General Rule.* If any security which is a capital asset becomes worthless during the taxable year, the loss resulting therefrom shall, for purposes of this subtitle, be treated as a loss from the sale or exchange, on the last day of the taxable year, of a capital asset.

(2) *Security Defined.* For purposes of this subsection, the term "security" means—

(A) a share of stock in a corporation;

(B) a right to subscribe for, or to receive, a share of stock in a corporation; or

(C) a bond, debenture, note, or certificate, or other evidence of indebtedness, issued by a corporation or by a government or political subdivision thereof, with interest coupons or in registered form.

IRC—Sec. 166. *Bad Debts* as hereinafter amended

(g) **Cross References Excepted.**

IRC—Sec. 167. Depreciation

IRC—Sec. 168. Amortization of Emergency Facilities

Sec. 168.5. Amortization of Antismog Machinery

(a) Every person, at his election, shall be entitled to a deduction with respect to amortization of the adjusted basis (for determining gain) of any device, machinery, or equipment for the collection at the source of atmospheric pollutants and contaminants based on a period of 60 months. Such amortization deductions shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the device, machinery, or equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deductions provided by this section with respect to any month shall be in lieu of the deduction with respect to such device, machinery, or equipment provided in Section 167 relating to exhaustion, wear and tear, and obsolescence. The 60-month period shall begin, at the election of the taxpayer, with the month following the month in which the device, machinery, or equipment was completed or acquired, or with the succeeding taxable year.

(b) The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month

in which the device, machinery, or equipment was completed or acquired, or with the taxable year succeeding the taxable year in which such device, machinery, or equipment was completed or acquired, shall be made in an appropriate statement in the taxpayer's return for the taxable year in which the device, machinery, or facility was completed or acquired, or in which the certification required by subdivision (d) was made, whichever is later.

(c) A taxpayer which has elected under subdivision (b) to take the amortization deduction provided in subdivision (a) may, at any time after making such election, discontinue the amortization deductions with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Franchise Tax Board before the beginning of such month. The deduction provided under Section 167 shall be allowed beginning with the first month as to which the amortization deduction is not applicable, and the taxpayer shall not be entitled to any further amortization deductions with respect to such device, machinery, or equipment.

(d) In determining for the purposes of this section the adjusted basis of such device, machinery, or equipment, there shall be included only so much of the amount of such adjusted basis (computed without regard to this section) as is properly attributable to the construction, reconstruction, remodeling, installation, or acquisition of such device, machinery, or equipment after December 31, 1954, as certified by the State Department of Public Health.

IRC—Sec. 169. Amortization of Grain Storage Facilities

IRC—Sec. 170. Charitable, Etc., Contributions and Gifts as hereinafter amended

(a) **Allowance of Deduction.**

(1) *General rule.* There shall be allowed as a deduction any charitable contribution (as defined in subsection (c) payment of which is made within the taxable year. A charitable contribution shall be allowable as a deduction only if verified under regulations prescribed by the Secretary or his delegate.

(b) **Limitations.**

(1) *Individuals.* In the case of an individual the deduction provided in subsection (a) shall be limited as provided in subparagraphs (A), (B), (C), and (D).

(A) Special Rule. Any charitable contribution to—

(i) a church or a convention or association of churches,

(ii) an educational organization referred to in section 503 (b) (2), or

(iii) a hospital referred to in section 503 (b) (5), shall be allowed to the extent that the aggregate of such contributions does not exceed 10 percent of the taxpayer's adjusted gross income computed without regard to any net operating loss carryback to the taxable year under section 172.

(B) General Limitations. The total deductions under subsection (a) for any taxable year shall not exceed 20 percent of the taxpayer's adjusted gross income computed without regard to any net operating loss carryback to the taxable year under section 172. For purposes of this subparagraph, the deduction under subsection (a) shall be computed without regard to any deduction allowed under subparagraph (A) but shall take into account any charitable contributions to the organizations described in clauses (i), (ii), and (iii) which are in excess of the amount allowable as a deduction under subparagraph (A).

(C) Unlimited Deduction for Certain Individuals. The limitation in subparagraph (B) shall not apply in the case of an individual if, in the taxable year and in 8 of the 10 preceding taxable years, the amount of the charitable contributions, plus the amount of income tax (determined without regard to chapter 2, relating to tax on self-employment income) paid during such year in respect of such year or preceding taxable years, exceeds 90 percent of the taxpayer's taxable income for such year, computed without regard to—

(i) this section,

(ii) section 151 (allowance of deductions for personal exemptions), and

(iii) any net operating loss carryback to the taxable year under section 172.

(D) Denial of Deduction in Case of Certain Transfers in Trust. No deduction shall be allowed under this section for the value of any interest in property transferred after March 9, 1954, to a trust if—

(i) the grantor has a reversionary interest in the corpus or income of that portion of the trust with respect to which a deduction would (but for this subparagraph) be allowable under this section; and

(ii) at the time of the transfer the value of such reversionary interest exceeds 5 percent of the value of the property constituting such portion of the trust.

For purposes of this subparagraph, a power exercisable by the grantor or a nonadverse party (within the meaning of section 672 (b), or both, to revest in the grantor property or income therefrom shall be treated as a reversionary interest.

(c) **Charitable Contribution Defined.** For purposes of this section, the term "charitable contribution" means a contribution or gift to or for the use of—

(1) A State, a Territory, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.

(2) A corporation, trust, or community chest, fund, or foundation—

(A) created or organized in the United States or in any possession thereof, or under the law of the United States, any

State or Territory, the District of Columbia, or any possession of the United States;

(B) organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals;

(C) no part of the net earnings of which inures to the benefit of any private shareholder or individual; and

(D) no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation.

(3) A post or organization of war veterans, or an auxiliary unit or society of, or trust or foundation for, any such post or organization—

(A) organized in the United States or any of its possessions, and

(B) no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(4) In the case of a contribution or gift by an individual, a domestic fraternal society, order, or association, operating under the lodge system, but only if such contribution or gift is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

IRC—Sec. 171. Amortizable Bond Premium as hereinafter amended

(a) **General Rule.** In the case of any bond, as defined in subsection (d), the following rules shall apply to the amortizable bond premium (determined under subsection (b)) on the bond:

(1) *Interest wholly or partially taxable.* In the case of a bond (other than a bond the interest on which is excludable from gross income), the amount of the amortizable bond premium for the taxable year shall be allowed as a deduction.

(2) *Interest wholly tax-exempt.* In the case of any bond the interest on which is excludable from gross income, no deduction shall be allowed for the amortizable bond premium for the taxable year.

(b) **Amortizable Bond Premium.**

(1) *Amount of bond premium.* For purposes of paragraph (2), the amount of bond premium, in the case of the holder of any bond, shall be determined—

(A) with reference to the amount of the basis (for determining loss on sale or exchange) of such bond,

(B) with reference to the amount payable on maturity or on earlier call date (but in the case of bonds described in subsection (c) (1) (B) issued after January 22, 1951, and acquired after January 22, 1954, only if such earlier call date is a date more than 3 years after the date of such issue), and

(C) with adjustments proper to reflect unamortized bond premium, with respect to the bond, for the period before the date as of which subsection (a) becomes applicable with respect to the taxpayer with respect to such bond.

In no case shall the amount of bond premium on a convertible bond include any amount attributable to the conversion features of the bond.

(2) *Amount amortizable.* The amortizable bond premium of the taxable year shall be the amount of the bond premium attributable to such year. In the case of a bond described in subsection (c) (1) (B) issued after January 22, 1951, and acquired after January 22, 1954, which has a call date not more than 3 years after the date of such issue, the amount of bond premium attributable to the taxable year in which the bond is called shall include an amount equal to the excess of the amount of the adjusted basis (for determining loss on sale or exchange) of such bond as of the beginning of the taxable year over the amount received on redemption of the bond or (if greater) the amount payable on maturity.

(3) *Method of determination.* The determinations required under paragraphs (1) and (2) shall be made—

(A) in accordance with the method of amortizing bond premium regularly employed by the holder of the bond, if such method is reasonable;

(B) in all other cases, in accordance with regulations prescribing reasonable methods of amortizing bond premium prescribed by the Secretary or his delegate.

(c) **Election as to Taxable Bonds.**

(1) *Eligibility to elect; bonds with respect to which election permitted.* This section shall apply with respect to the following classes of taxpayers with respect to the following classes of bonds only if the taxpayer has elected to have this section apply:

(2) *Manner and effect of election.* (A) The amount of the amortizable bond premium for the taxable year shall be allowed as a deduction only if a taxpayer has elected to claim a deduction.

(B) The election authorized under this section shall be made in accordance with such regulations as the Franchise Tax Board shall prescribe. If such election is made with respect to any bond of the taxpayer, it shall also apply to all such bonds held by the taxpayer at the beginning of the first taxable year to which the election applies and to all such bonds thereafter acquired by him and shall be binding for all subsequent taxable years with respect to all such bonds of the taxpayer, unless, on application by the taxpayer, the Franchise Tax Board permits him, subject to such conditions as the Franchise Tax Board deems necessary, to revoke such election. In the case of bonds held by a common trust fund, as defined in Section 584(a), the election authorized under this section shall be exercisable with respect to such bonds only by the common trust fund. In case of bonds held by an estate or trust, the election authorized under this section shall be exercisable with respect to such bonds only by the fiduciary.

(d) **Bond Defined.** For purposes of this section, the term "bond" means any bond, debenture, note, or certificate or other evidence of

indebtedness, issued by any corporation and bearing interest (including any like obligation issued by a government or political subdivision thereof), but does not include any such obligation which constitutes stock in trade of the taxpayer or any such obligation of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or any such obligation held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

(e) **Dealers in Tax-exempt Securities.**

IRC—Sec. 172. *Net Operating Loss Deductions* as hereinafter amended

(d) **Modifications.**

(5) *Special Deductions for Corporations Excepted.*

(6) *Computation of Deduction for Dividends Received Excepted.*

(g) **Special Transitional Rules Excepted.**

(h) **Cross References Excepted.**

IRC—Sec. 173. Circulation Expenditures

IRC—Sec. 174. Research and Experimental Expenditures

IRC—Sec. 175. Soil and Water Conservation Expenditures as hereinafter amended

(a) **In General.** A taxpayer engaged in the business of farming may treat expenditures which are paid or incurred by him during the taxable year for the purpose of soil or water conservation in respect of land used in farming, or for the prevention of erosion of land used in farming, as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.

(b) For the purposes of subsection (a); the term "expenditures made for the purpose of soil and water conservation and the prevention of erosion" means expenditures for the treatment, moving, or cultivation of earth, including (but not limited to) leveling, grading and terracing, contour furrowing, the construction of diversion channels and drainage ditches, the control and protection of watercourses, outlets, and ponds, the planting and cultivation of cover and protective crops or windbreaks, the control of weeds and brush and other emergency cultivation and tillage; but such term does not include the purchase, construction, installation, or improvement of structures, appliances, and facilities made of masonry, concrete, tile, metal, or wood such as tanks, reservoirs, pipes, conduits, canals, dams, wells, and pumps, which are subject to the allowance for depreciation provided in Section 167.

(c) For the purpose of subsection (a) the term "land used in farming" means land used (prior to the expenditure for conservation made by the taxpayer) by the taxpayer or his tenant or the predecessor owner or his tenant for the production of crops, fruits, and similar agricultural products or for the sustenance of livestock.

ARTICLE 7—ADDITIONAL ITEMIZED DEDUCTIONS FOR INDIVIDUALS

IRC—Sec. 211. Allowance of Deductions

IRC—Sec. 212. Expenses for Production of Income

IRC—Sec. 213. *Medical, Dental, Etc., Expenses* as hereinafter amended

(d) **Special Rule for Decedents Excepted.**

IRC—Sec. 214. Expenses for Care of Certain Dependents

IRC—Sec. 215. Alimony, Etc., Payments

IRC—Sec. 216. Amounts of Taxes and Interest Paid Coop Housing Corp.

Sec. 219. Connected With Taxable Income

In the case of a nonresident taxpayer the deductions allowed by this part shall unless otherwise provided in this part be allowed only to the extent that they are connected with the income arising from sources within this State and taxable under this part to a nonresident taxpayer. The proper apportionment and allocation of the deductions with respect to sources of income within and without the State shall be determined under rules and regulations prescribed by the Franchise Tax Board.

Sec. 220. Taxes

Taxes or licenses paid or accrued to this State or its political subdivisions which are deductible under Section 164 are deductible by nonresidents even though not connected with income from sources within this State.

Sec. 221. Contribution to Local Corporations

In the case of a nonresident taxpayer the deductions for contributions and gifts shall be allowed only as to contributions or gifts to corporations or associations incorporated by or organized under the laws of this State or to the Vocational Rehabilitation Fund or to this State or any political subdivision thereof for exclusively public purposes.

ARTICLE 8—ITEMS NOT DEDUCTIBLE

IRC—Sec. 261. General Rule for Disallowance of Deductions

IRC—Sec. 262. Personal, Living, and Family Expenses

IRC—Sec. 263. *Capital Expenditures* as hereinafter amended

(b) **Expenditures for Advertising and Good Will Excepted.**

(c) **Intangible Drilling and Development Costs Excepted.**

IRC—Sec. 264. Certain Amounts Paid Re Insurance Contracts

IRC—Sec. 265. Expenses and Interest Relating to Tax-exempt Income as hereinafter amended

No deduction shall be allowed for—

(1) *Expenses.* Any amount otherwise allowable as a deduction which is allocable to one or more classes of income other than interest (whether or not any amount of income of that class or

classes is received or accrued) wholly exempt from the taxes imposed by this subtitle, or any amount otherwise allowable under section 212 (relating to expenses for production of income) which is allocable to interest (whether or not any amount of such interest is received or accrued) wholly exempt from the taxes imposed by this subtitle.

(2) *Interest.* Interest on indebtedness incurred or continued to purchase or carry obligations the interest on which is wholly exempt from the taxes imposed by this part. The proper apportionment and allocation of the deduction with respect to taxable and nontaxable income shall be determined under rules and regulations prescribed by the Franchise Tax Board.

IRC—Sec. 266. Carrying Charges

IRC—Sec. 267. Losses, Expenses, and Interest—Related Taxpayers

IRC—Sec. 268. Sale of Land With Unharvested Crop

IRC—Sec. 271. Debts Owed by Political Parties

IRC—Sec. 272. Disposal of Coal

IRC—Sec. 273. Holders of Life or Terminal Interest

Sec. 274. Obligor of Covenant Bond

In computing taxable income no deduction shall be allowed to the obligor of a covenant bond for the payment of the tax imposed by this part, or any other tax paid pursuant to the tax-free covenant clause, nor shall such tax be included in the gross income of the obligee.

Chapter C—Corporate Distributions and Adjustments

ARTICLE 1—DISTRIBUTIONS BY CORPORATIONS

IRC—Sec. 301. Distributions of Property as hereinafter amended

(a) **In General.** Except as otherwise provided in this chapter, a distribution of property (as defined in section 317 (a)) made by a corporation to a shareholder with respect to its stock shall be treated in the manner provided in subsection (c).

(b) **Amount Distributed.**

(1) *General Rule.* For purposes of this section, the amount of any distribution shall be—

(A) *Noncorporate distributees.* If the shareholder is not a corporation, the amount of money received, plus the fair market value of the other property received.

(2) *Reduction for Liabilities.* The amount of any distribution determined under paragraph (1) shall be reduced (but not below zero) by—

(A) the amount of any liability of the corporation assumed by the shareholder in connection with the distribution, and

(B) the amount of any liability to which the property received by the shareholder is subject immediately before, and immediately after, the distribution.

(3) *Determination of Fair Market Value.* For purposes of this section, fair market value shall be determined as of the date of the distribution.

(c) **Amount Taxable.** In the case of a distribution to which subsection (a) applies—

(1) *Amount Constituting Dividend.* That portion of the distribution which is a dividend (as defined in section 316) shall be included in gross income.

(2) *Amount applied against Basis.* That portion of the distribution which is not a dividend shall be applied against and reduce the adjusted basis of the stock.

(3) *Amount in Excess of Basis.* —

(A) In general. Except as provided in subparagraph (B), that portion of the distribution which is not a dividend, to the extent that it exceeds the adjusted basis of the stock, shall be treated as gain from the sale or exchange of property.

(B) Distributions out of increase in value accrued before March 1, 1913. That portion of the distribution which is not a dividend, to the extent that it exceeds the adjusted basis of the stock and to the extent that it is out of increase in value accrued before March 1, 1913, shall be exempt from tax.

(d) **Basis.** The basis of property received in a distribution to which subsection (a) applies shall be—

(1) *Noncorporate distributees.* If the shareholder is not a corporation, the fair market value of such property.

IRC—Sec. 302. Distributions in Redemption of Stock as hereinafter amended

(c) **Constructive Ownership of Stock.**

(2) *For determining termination of interest.*

(A) Section citations 6501 and 6502 should read 18586 and 18831.

(B) Reference to "Federal income tax" should read income tax.

IRC—Sec. 303. Distributions in Redemption of Stock to Pay Death Taxes as hereinafter amended

(a) **In General.**

(2) Except language in parenthesis.

IRC—Sec. 304. Redemption Through Use of Related Corporations

IRC—Sec. 305. Distributions of Stock and Stock Rights

IRC—Sec. 306. Dispositions of Certain Stock as hereinafter amended

(b) *Exceptions*, reference to "Federal income tax" should read income tax.

(f) *Source* of Gain expected.

IRC—Sec. 307. Basis of Stock and Stock Rights Acquired in Distributions

Sec. 312.5. Effect on Earnings and Profits

(a) Except as otherwise provided in this part, on the distribution of property by a corporation with respect to its stock, the earnings

and profits of the corporation (to the extent thereof) shall be decreased by the sum of—

(1) The amount of money,

(2) The principal amount of the obligations of such corporation, and

(3) The adjusted basis of the other property, so distributed.

(b) (1) On the distribution by a corporation, with respect to its stock, of inventory assets (as defined in paragraph (2) (A)) the fair market value of which exceeds the adjusted basis thereof, the earnings and profits of the corporation—

(A) Shall be increased by the amount of such excess; and

(B) Shall be decreased by whichever of the following is the lessor:

(i) The fair market value of the inventory assets distributed, or

(ii) The earnings and profits (as increased under subparagraph (A)).

(2) (A) For purposes of paragraph (1), the term "inventory assets" means—

(i) Stock in trade of the corporation, or other property of a kind which would properly be included in the inventory of the corporation if on hand at the close of the taxable year;

(ii) Property held by the corporation primarily for sale to customers in the ordinary course of its trade or business; and

(iii) Unrealized receivables or fees, except receivables from sale or exchanges of assets other than assets described in this subparagraph.

(B) For purposes of subparagraph (A)(iii), the term "unrealized receivables or fees" means, to the extent not previously includible in income under the method of accounting used by the corporation, any rights (contractual or otherwise) to payment for—

(i) Goods delivered, or to be delivered, to the extent that the proceeds therefrom would be treated as amounts received from the sale or exchange of property other than a capital asset, or

(ii) Services rendered or to be rendered.

(c) In making the adjustments to the earnings and profits of a corporation under subsection (a) or (b), proper adjustment shall be made for—

(1) The amount of any liability to which the property distributed is subject,

(2) The amount of any liability of the corporation assumed by a shareholder in connection with the distribution, and

(3) Any gain to the corporation recognized under Section 24482 or 24483 of the Bank and Corporation Tax Law.

(d) The distribution to a distributee by or on behalf of a corporation of its stock or securities, of stock or securities in another corporation, or of property, in a distribution to which this part

applies, shall not be considered a distribution of the earnings and profits of any corporation—

(1) If no gain to such distributee from the receipt of such stock or securities, or property, was recognized under this part; or

(2) If the distribution was not subject to tax in the hands of such distributee by reason of Section 305.

(b) In the case of a distribution of stock or securities, or property, to which Section 17162 of the Personal Income Tax Law of 1954 (or the corresponding provision of prior law) applied, the effect on earnings and profits of such distribution shall be determined under such Section 17162, or the corresponding provision of prior law, as the case may be.

(c) For purposes of this section, the term "stock or securities" includes rights to acquire stock or securities.

Sec. 312.7. Special Rule for Partial Liquidations and Certain Redemptions

In the case of amounts distributed in partial liquidation (whether before, on, or after December 31, 1954) or in a redemption to which Section 302 applies, the part of such distribution which is properly chargeable to capital account shall not be treated as a distribution of earnings and profits.

Sec. 312.9. Effect on Earnings and Profits of Gain or Loss and of Receipt of Tax-free Distributions

(a) The gain or loss realized from the sale or other disposition (after February 28, 1913) of property by a corporation—

(1) For the purpose of the computation of the earnings and profits of the corporation shall (except as provided in paragraph (2)) be determined by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain, except that no regard shall be had to the value of the property as of March 1, 1913; but

(2) For purposes of the computation of the earnings and profits of the corporation for any period beginning after February 28, 1913, shall be determined by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain.

Gain or loss so realized shall increase or decrease the earnings and profits to, but not beyond, the extent to which such a realized gain or loss was recognized in computing taxable income under the law applicable to the year in which such sale or disposition was made. Where, in determining the adjusted basis used in computing such realized gain or loss, the adjustment to the basis differs from the adjustment proper for the purpose of determining earnings and profits, then the latter adjustment shall be used in determining the increase or decrease above provided. For purposes of this section, a loss with respect to which a deduction is disallowed under Section 1091 (relating to wash sales of stock or securities), or the corresponding provision of prior law, shall not be deemed to be recognized.

(b) Where a corporation receives (after February 28, 1913) a distribution from a second corporation which (under the law applicable

to the year in which the distribution was made) was not a taxable dividend to the shareholders of the second corporation, the amount of such distribution shall not increase the earnings and profits of the first corporation in the following cases:

(1) No such increase shall be made in respect of the part of such distribution which (under such law) is directly applied in reduction of the basis of the stock in respect of which the distribution was made; and

(2) No such increase shall be made if (under such law) the distribution causes the basis of the stock in respect of which the distribution was made to be allocated between such stock and the property received (or such basis would, but for Section 307, be so allocated).

Sec. 312.11. Earnings and Profits—Increase in Value Accrued Before March 1, 1913

(a) If any increase or decrease in the earnings and profits for any period beginning after February 28, 1913, with respect to any matter would be different had the adjusted basis of the property involved been determined without regard to its March 1, 1913, value, then, except as provided in subsection (b), an increase (properly reflecting such difference) shall be made in that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913.

(b) If the application of Section 312 9 to a sale or other disposition after February 28, 1913, results in a loss which is to be applied in decrease of earnings and profits for any period beginning after February 28, 1913, then, notwithstanding Section 312 9 and in lieu of the rule provided in subsection (a), the amount of such loss so to be applied shall be reduced by the amount, if any, by which the adjusted basis of the property used in determining the loss exceeds the adjusted basis computed without regard to the value of the property on March 1, 1913, and if such amount so applied in reduction of the decrease exceeds such loss, the excess over such loss shall increase that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913.

Sec. 312.13. Allocation in Certain Corporate Separations

In the case of a distribution or exchange to which section 355 (or so much of section 356 as relates to section 355) applies, proper allocation with respect to the earnings and profits of the distributing corporation and the controlled corporation (or corporations) shall be made under regulations prescribed by the Secretary or his delegate.

IRC—Sec. 316. *Dividend Defined* as hereinafter amended

(b) **Special Rules Excepted.**

IRC—Sec. 317. Other Definitions

IRC—Sec. 318. Constructive Ownership of Stock

ARTICLE 2—CORPORATE LIQUIDATIONS

IRC—Sec. 331. Gain or Loss to Shareholder in Corporate Liquidations

IRC—Sec. 333. Election as to Recognition of Gain in Certain Liquidations as hereinafter amended

(c) **Qualified Electing Shareholders.**

(2) Excepted.

(f) **Corporate Shareholders Excepted.**

IRC—Sec. 334. *Basis of Property Received in Liquidations* as hereinafter amended

(b) **Liquidation of Subsidiary Excepted.**

IRC—Sec. 341. Collapsible Corporations as hereinafter amended

(e) **Presumption in Certain Cases.**

(2) Determination of Total Assets.

(B) Except language in parentheses.

(d) **Limitations on Application of Section.** In the case of gain realized by a shareholder with respect to his stock in a collapsible corporation, this section shall not apply—

(1) unless, at any time after the commencement of the manufacture, construction, or production of the property, or at the time of the purchase of the property described in subsection (b) (3) or at any time thereafter, such shareholder (A) owned (or was considered as owning) more than 5 percent in value of the outstanding stock of the corporation, or (B) owned stock which was considered as owned at such time by another shareholder who then owned (or was considered as owning) more than 5 percent in value of the outstanding stock of the corporation;

(2) to the gain recognized during a taxable year, unless more than 70 percent of such gain is attributable to the property so manufactured, constructed, produced, or purchased; and

(3) to gain realized after the expiration of 3 years following the completion of such manufacture, construction, production, or purchase.

For purposes of paragraph (1), the ownership of stock shall be determined in accordance with the rules prescribed in section 267; except that, in addition to the persons prescribed by paragraph (2) of that section, the family of an individual shall include the spouses of that individual's brothers and sisters (whether by the whole or half blood) and the spouses of that individual's lineal descendants.

IRC—Sec. 346. Partial Liquidation Defined as hereinafter amended

(a) **In General.** For purposes of this subchapter, a distribution shall be treated as in partial liquidation of a corporation if—

(1) the distribution is one of a series of distributions in redemption of all of the stock of the corporation pursuant to the plan; or

(2) the distribution is not essentially equivalent to a dividend, is in redemption of a part of the stock of the corporation pursuant to a plan, and occurs within the taxable year in which the plan is adopted or within the succeeding taxable year, including (but not

limited to) a distribution which meets the requirements of subsection (b).

(b) **Termination of a Business.** A distribution shall be treated as a distribution described in subsection (a) (2) if the requirements of paragraphs (1) and (2) of this subsection are met.

(1) The distribution is attributable to the corporation's ceasing to conduct, or consists of the assets of, a trade or business which has been actively conducted throughout the 5-year period immediately before the distribution, which trade or business was not acquired by the corporation within such period in a transaction in which gain or loss was recognized in whole or in part.

(2) Immediately after the distribution the liquidating corporation is actively engaged in the conduct of a trade or business, which trade or business was actively conducted throughout the 5-year period ending on the date of the distribution and was not acquired by the corporation within such period in a transaction in which gain or loss was recognized in whole or in part.

Whether or not a distribution meets the requirements of paragraphs (1) and (2) of this subsection shall be determined without regard to whether or not the distribution is pro rata with respect to all of the shareholders of the corporation.

(c) **Treatment of Certain Redemptions.** The fact that, with respect to a shareholder, a distribution qualifies under section 302 (a) (relating to redemptions treated as distributions in part or full payment in exchange for stock) by reason of section 302 (b) shall not be taken into account in determing whether the distribution, with respect to such shareholder, is also a distribution in partial liquidation of the corporation.

IRC—Sec. 351. Transfer to Corporation Controlled by Transferor

IRC—Sec. 354. Exchanges of Stock and Securities in Certain Reorganizations as hereinafter amended

(c) **Certain Railroad Reorganizations Excepted.**

IRC—Sec. 355. Distribution of Stock and Securities of a Controlled Corporation as hereinafter amended

(a) **Effect on Distributees.**

(1) General rule.

(D) (ii) Reference to "Federal income tax" should read income tax.

IRC—Sec. 356. Receipt of Additional Consideration

IRC—Sec. 357. Assumption of Liability as hereinafter amended

(a) **General Rule.** Except as provided in subsections (b) and (c), if—

(1) the taxpayer receives property which would be permitted to be received under section 351, or 371 without the recognition of gain if it were the sole consideration, and

(2) as part of the consideration, another party to the exchange assumes a liability of the taxpayer, or acquires from the taxpayer property subject to a liability,

then such assumption or acquisition shall not be treated as money or other property, and shall not prevent the exchange from being within the provisions of section 351, or 371, as the case may be.

(b) **Tax Avoidance Purpose.**

(1) *In General.* If, taking into consideration the nature of the liability and the circumstances in the light of which the arrangement for the assumption or acquisition was made, it appears that the principal purpose of the taxpayer with respect to the assumption or acquisition described in subsection (a)—

(A) was a purpose to avoid income tax on the exchange, or

(B) if not such purpose, was not a bona fide business purpose, then such assumption or acquisition (in the total amount of the liability assumed or acquired pursuant to such exchange) shall, for purposes of section 351, or 371 (as the case may be), be considered as money received by the taxpayer on the exchange.

(2) *Burden of Proof.* In any suit or proceeding where the burden is on the taxpayer to prove such assumption or acquisition is not to be treated as money received by the taxpayer, such burden shall not be considered as sustained unless the taxpayer sustains such burden by the clear preponderance of the evidence.

(c) **Liabilities in Excess of Basis.**

(1) *In General.* In the case of an exchange—

(A) to which section 351 applies

if the sum of the amount of the liabilities assumed, plus the amount of the liabilities to which the property is subject, exceeds the total of the adjusted basis of the property transferred pursuant to such exchange, then such excess shall be considered as a gain from the sale or exchange of a capital asset or of property which is not a capital asset, as the case may be.

(2) *Exceptions.* Paragraph (1) shall not apply to any exchange to which—

(A) subsection (b) (1) of this section applies, or

(B) section 371 applies.

IRC—Sec. 358. Basis to Distributees

IRC—Sec. 367. Foreign Corporations as hereinafter amended

In determining the extent to which gain shall be recognized in the case of any of the exchanges described in sections 332, 351, 354, 355, 356, or 361, a foreign corporation shall not be considered as a corporation unless, before such exchange, it has been established to the satisfaction of the Secretary or his delegate that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of income taxes. For purposes of this section, any distribution described in section 355 (or so much of section 356 as relates to section 355) shall be treated as an exchange whether or not it is an exchange.

IRC—Sec. 368. Definitions Relating to Corporate Reorganizations

IRC—Sec. 371. Reorganization in Certain Proceedings

Chapter D—Deferred Compensation, Etc.

ARTICLE 1—PENSION, PROFIT-SHARING, STOCK BONUS PLANS, ETC.

IRC—Sec. 401. Qualified Pensions, Etc., Plans

IRC—Sec. 402. Taxability of Beneficiary of Employees' Trust

IRC—Sec. 403. Taxation of Employee Annuities

IRC—Sec. 404. Deduction for Contributions of an Employer to an Employees Trust or Annuity Plan and Compensation Under a Deferred Payment Plan as hereinafter amended

(a) **General Rule.**

(4) Trusts Created or Organized Outside the United States is amended by deleting United States and inserting California.

IRC—Sec. 421. Employee Stock Options

Chapter E—Accounting Periods and Methods of Accounting

ARTICLE 1—ACCOUNTING PERIODS

IRC—Sec. 441. Period for Computation of Taxable Income

IRC—Sec. 442. Change of Annual Accounting Period

IRC—Sec. 443. Returns for a Period of Less Than 12 Months as hereinafter amended

(a) **Returns for Short Period.**

(3) *Termination of Taxable Year for Jeopardy.* Section citation 6851 should read 18642.

IRC—Sec. 446. General Rule for Methods of Accounting

IRC—Sec. 451. General Rule for Taxable Year of Inclusion

IRC—Sec. 453. Installment Method as hereinafter amended

(d) **Gain or Loss on Disposition of Installment Obligations.**

(4) Effect of Distribution in Certain Liquidations excepted.

Sec. 453.3. Obligations Issued at Discount

If, in the case of a taxpayer owning any noninterest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals, the increase in the redemption price of such obligation occurring in the taxable year does not (under the method of accounting used in computing his taxable income) constitute income to him in such year, such taxpayer may, at his election made in his return for any taxable year, treat such increase as income received in such taxable year. If any such election is made with respect to any such obligation, it shall apply also to all such obligations owned by the taxpayer at the beginning of the first taxable year to which it applies and to all such obligations thereafter acquired by him and shall be binding for all subsequent taxable years, unless on application by the taxpayer the Franchise Tax Board permits him, subject to such conditions as the Franchise Tax Board deems necessary, to change to a

different method. In the case of any such obligations owned by the taxpayer at the beginning of the first taxable year to which his election applies, the increase in the redemption price of such obligations occurring between the date of acquisition and the first day of such taxable year shall also be treated as income received in such taxable year.

Sec. 453.5. Short-term Obligations Issued on Discount Basis

In the case of any noninterest-bearing obligation—which is issued on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue, the amount of discount at which such obligation is originally sold shall not be considered to accrue until the date on which such obligation is paid at maturity, sold, or otherwise disposed of.

IRC—Sec. 461. General Rule for Taxable Year of Deduction

IRC—Sec. 471. General Rule for Inventories

IRC—Sec. 472. Last-in, First-out Inventories

ARTICLE 2—ADJUSTMENTS

IRC—Sec. 481. Adjustments Required by Changes in Method of Accounting as hereinafter amended

(b) **Limitation on Tax Where Adjustments Are Substantial.**

(3) Special Rules for Computations excepted.

IRC—Sec. 482. Allocation of Income and Deductions Among Taxpayers

Chapter F—Exempt Trusts

IRC—Sec. 501. Exemption From Tax on Corporations, Certain Trusts, Etc.

IRC—Sec. 502. Feeder Organizations

IRC—Sec. 511. Imposition on Tax on Unrelated Business Income of Charitable, Etc., Organizations

(a) **Charitable, Etc., Organizations Taxable at Corporation Rates Is Excepted.**

(b) **Tax on Charitable, Etc., Trusts is amended to read:**

(1) *Imposition of tax.* There is hereby imposed for each taxable year on the unrelated business State taxable income of every trust described in paragraph (2) a tax computed as provided in section 1. In making such computation for purposes of this section, the term "State taxable income" at used in section 1 shall be read as "unrelated business State taxable income" as defined in section 512.

(2) *Charitable, etc., trusts subject to tax is excepted.*

(c) **Effective Dates Excepted.**

IRC—Sec. 512. Unrelated Business Taxable Income as amended

(a) **Definition Is Amended to Read:** The term "unrelated business State taxable income" means the gross income derived by any exempt trust from any unrelated trade or business (as defined in section 513)

regularly carried on by it, less the deductions allowed by this part which are directly connected with the carrying on of such trade or business, both computed, with the exceptions, additions, and limitations provided in subsection (b).

IRC—Sec. 513. Unrelated Trade or Business

IRC—Sec. 514. Business Leases

Chapter H—Common Trust Funds

IRC—Sec. 581. Definition of Bank

For purposes of section 584, the term "bank" means a bank or trust company incorporated and doing business under the laws of the United States (including laws relating to the District of Columbia), of any State, or of any Territory, a substantial part of the business of which consists of receiving deposits and making loans and discounts, or of exercising fiduciary powers similar to those permitted to national banks under section 11 (k) of the Federal Reserve Act (38 Stat. 262; 12 U. S. C. 248 (k)), and which is subject by law to supervision and examination by State, Territorial, or Federal authority having supervision over banking institutions. Such term also means a domestic building and loan association.

Sec. 584. Common Trust Funds

(a) **Definitions.** For purposes of this part, the term "common trust fund" means a fund maintained by a bank—

(1) exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank in its capacity as a trustee, executor, administrator, or guardian; and

(2) in conformity with the rules and regulations, prevailing from time to time, of the Board of Governors of the Federal Reserve System pertaining to the collective investment of trust funds by national banks.

(b) **Taxation of Common Trust Funds.** A common trust fund shall not be subject to taxation under this chapter and for purposes of this chapter shall not be considered a corporation.

(c) **Income of Participants in Fund.**

(1) *Inclusions in taxable income.* Each participant in the common trust fund in computing its taxable income shall include, whether or not distributed and whether or not distributable—

(A) as part of its gains and losses from sales or exchanges of capital assets held for not more than 6 months, its proportionate share of the gains and losses of the common trust fund from sales or exchanges of capital assets held for not more than 6 months;

(B) As part of its gains and losses from sales or exchanges of capital assets held for more than 6 months, its proportionate share of the gains and losses of the common trust fund from sales or exchanges of capital assets held for more than 6 months;

(C) its proportionate share of the ordinary taxable income or the ordinary net loss of the common trust fund, computed as provided in subsection (d).

(2) The appropriate or proportionate share of any participant in any income of a common trust fund which would not be taxable by this State or which this State would be prohibited from taxing by the Constitution of this State or of the United States if received directly by the participants shall not be taxable to the recipients of such income.

(d) **Computation of Common Trust Fund Income.** The taxable income of a common trust fund shall be computed in the same manner and on the same basis as in the case of an individual, except that—

(1) there shall be segregated the gains and losses from sales or exchanges of capital assets;

(2) after excluding all items of gain and loss from sales or exchanges of capital assets, there shall be computed—

(A) an ordinary taxable income which shall consist of the excess of the gross income over deductions; or

(B) an ordinary net loss which shall consist of the excess of the deductions over the gross income;

(3) the deduction provided by section 170 (relating to charitable, etc., contributions and gifts) shall not be allowed; and

(4) the standard deduction provided in section 141 shall not be allowed.

(e) **Admission and Withdrawal.** No gain or loss shall be realized by the common trust fund by the admission or withdrawal of a participant. The withdrawal of any participating interest by a participant shall be treated as a sale or exchange of such interest by the participant.

(f) **Different Taxable Years of Common Trust Fund and Participant.** If the taxable year of the common trust fund is different from that of a participant, the inclusions with respect to the taxable income of the common trust fund, in computing the taxable income of the participant for its taxable year, shall be based upon the taxable income of the common trust fund for any taxable year of the common trust fund ending within or with the taxable year of the participant.

(g) **Net Operating Loss Deduction.** The benefit of the deduction for net operating losses provided by section 172 shall not be allowed to a common trust fund, but shall be allowed to the participants in the common trust fund under regulations prescribed by the Franchise Tax Board.

Chapter I—Natural Resources

ARTICLE 1—DEDUCTIONS

IRC—Sec. 611. Allowance of Deduction for Depletion

IRC—Sec. 612. Basis for Cost Depletion

IRC—Sec. 613. Percentage Depletion

IRC—Sec. 614. Definition of Property

IRC—Sec. 615. Exploration Expenditures

IRC—Sec. 616. Development Expenditures

ARTICLE 2—EXCLUSIONS FROM GROSS INCOME

IRC—Sec. 621. Payments to Encourage Exploration, Etc.

ARTICLE 3—SALES AND EXCHANGES

IRC—Sec. 631. Gain or Loss in the Case of Timber or Coal as hereinafter amended.

(c) **Disposal of Coal With a Retained Economic Interest Except Last Sentence.**

Chapter J—Estates, Trusts, Beneficiaries, and Decedents

ARTICLE 1—ESTATES, TRUSTS, AND BENEFICIARIES

IRC—Sec. 641. Imposition of Tax

IRC—Sec. 642. Special Rules for Credits and Deductions as hereinafter amended

(a) **Credits Against Tax Excepted.**

(g) **Disallowance of Double Deductions Excepted.**

IRC—Sec. 643. Definitions Applicable to Subparts A, B, C, and D

(a) **Distributable Net Income as Herein Amended.** For purposes of this part, the term "distributable net income" means, with respect to any taxable year, the taxable income of the estate or trust computed with the following modifications—

(1) *Deduction for distributions.* No deduction shall be taken under sections 651 and 661 (relating to additional deductions).

(2) *Deduction for personal exemption.* No deduction shall be taken under section 642 (b) (relating to deduction for personal exemptions).

(3) *Capital gains and losses.* Gains from the sale or exchange of capital assets shall be excluded to the extent that such gains are allocated to corpus and are not (A) paid, credited, or required to be distributed to any beneficiary during the taxable year, or (B) paid, permanently set aside, or to be used for the purposes specified in section 642 (c). Losses from the sale or exchange of capital assets shall be excluded, except to the extent such losses are taken into account in determining the amount of gains from the sale or exchange of capital assets which are paid, credited, or required to be distributed to any beneficiary during the taxable year. The deduction under section 1202 (relating to deduction for excess of capital gains over capital losses) shall not be taken into account.

(4) *Extraordinary dividends and taxable stock dividends.* For purposes only of subpart B (relating to trusts which distribute current income only), there shall be excluded those items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, does not pay or credit to any beneficiary by reason of his determination that such

dividends are allocable to corpus under the terms of the governing instrument and applicable local law.

(5) *Tax-exempt interest.* There shall be included any tax-exempt interest to which section 103 applies, reduced by any amounts which would be deductible in respect of disbursements allocable to such interest but for the provisions of section 265 (relating to disallowance of certain deductions).

If the estate or trust is allowed a deduction under section 642 (c), the amount of the modifications specified in paragraphs (5) and (6) shall be reduced to the extent that the amount of income which is paid, permanently set aside, or to be used for the purposes specified in section 642 (c) is deemed to consist of items specified in those paragraphs. For this purpose, such amount shall (in the absence of specific provisions in the governing instrument) be deemed to consist of the same proportion of each class of items of income of the estate or trust as the total of each class bears to the total of all classes.

(b) **Income.** For purposes of this subpart and subparts B, C, and D, the term "income," when not preceded by the words "taxable," "distributable net," "undistributed net," or "gross," means the amount of income of the estate or trust for the taxable year determined under the terms of the governing instrument and applicable local law. Items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, determines to be allocable to corpus under the terms of the governing instrument and applicable local law shall not be considered income.

(c) **Beneficiary.** For purposes of this part, the term "beneficiary" includes heir, legatee, devisee.

Sec. 645. Estate or Trust, Taxability

Except as otherwise provided in Articles 1 to 6, inclusive, of this chapter, the income of an estate or trust is taxable to the estate or trust. The tax applies to the entire taxable income of an estate, if the decedent was a resident, regardless of the residence of the fiduciary or beneficiary, and to the entire taxable income of a trust, if the fiduciary or beneficiary is a resident, regardless of the residence of the settlor.

Sec. 646. Trust, Taxability Dependent Upon Residence of Fiduciary

Where the taxability of income under Articles 1 to 6, inclusive, of this chapter depends on the residence of the fiduciary and there are two or more fiduciaries for the trust, the income taxable under Section 17742 shall be apportioned according to the number of fiduciaries resident in this State pursuant to rules and regulations prescribed by the Franchise Tax Board.

Sec. 647. Trust, Taxability Dependent Upon Residence of Beneficiary

Where the taxibility of income under Article 1 to 6, inclusive, of this chapter depends on the residence of the beneficiary and there are two or more beneficiaries of the trust, the income taxable under Section 17742 shall be apportioned according to the number and interest of beneficiaries resident in this State pursuant to rules and regulations prescribed by the Franchise Tax Board.

Sec. 648. Trust Taxes, Liability of Beneficiaries

If, for any reason, the taxes imposed on income of a trust which is taxable to the trust because the fiduciary or beneficiary is a resident of this State are not paid when due and remain unpaid when such income is distributable to the beneficiaries, or in the case the income is distributable to the beneficiaries before the taxes are due, if the taxes are not paid when due, such income shall be taxable to the beneficiaries when distributable to them except that in the case of nonresident beneficiaries such income shall be taxable only to the extent it is derived from sources within this State.

ARTICLE 2—TRUSTS WHICH DISTRIBUTE CURRENT INCOME ONLY

IRC—Sec. 651. Deduction for Trusts Distributing Current Income Only

IRC—Sec. 652. Inclusion of Amounts in Gross Income of Beneficiaries, Etc.

Sec. 655. Source, Trust Income

In the case of a nonresident beneficiary income derived through such a trust is taxable only to the extent it is derived from sources within this State.

ARTICLE 3—ESTATES AND TRUSTS WHICH MAY ACCUMULATE INCOME OR WHICH DISTRIBUTE CORPUS

IRC—Sec. 661. Deduction for Estates and Trusts Accumulating Income, Etc.

IRC—Sec. 662. Inclusion of Amounts in Gross Income of Beneficiaries, Etc.

IRC—Sec. 663. Special Rules Applicable to This Article

ARTICLE 4—TREATMENT OF EXCESS DISTRIBUTIONS BY TRUSTS

IRC—Sec. 665. Definitions Applicable to This Article

IRC—Sec. 666. Accumulation Distribution Allocated to Five Preceding Years

IRC—Sec. 667. Denial of Refund to Trusts

IRC—Sec. 668. Treatment of Amounts Deemed Distributed in Preceding Years

ARTICLE 5—GRANTORS AND OTHERS TREATED AS SUBSTANTIAL OWNERS

IRC—Sec. 671. Trust Income, Deductions, and Credits Attributable to Grantors, Etc.

IRC—Sec. 672. Definitions and Rules

IRC—Sec. 673. Reversionary Interests

IRC—Sec. 674. Power to Control Beneficial Enjoyment

IRC—Sec. 675. Administrative Powers

IRC—Sec. 676. Power to Revoke

IRC—Sec. 677. Income for Benefit of Grantor

IRC—Sec. 678. Person Other Than Grantor Treated as Substantial Owner

ARTICLE 6—MISCELLANEOUS

IRC—Sec. 681. Limitation on Charitable Deductions

IRC—Sec. 682. Income of an Estate or Trust in Case of Divorce, Etc.

IRC—Sec. 683. Applicability of Provisions

ARTICLE 7—INCOME IN RESPECT OF DECEDENTS

IRC—Sec. 691. Recipients of Income in Respect of Decedents as amended herein

(c) **Deduction for Estate Tax.**

(1) *Allowance of deduction.*

(A) General Rule. A person who includes an amount in gross income under subsection (a) shall be allowed, for the same taxable year, as a deduction an amount which bears the same ratio to the inheritance tax attributable to the net value for inheritance tax purposes of all the items described in subsection (a) (1) as the value for inheritance tax purposes of the items of gross income or portions thereof in respect of which such person included the amount in gross income (or the amount included in gross income, whichever is lower) bears to the value for inheritance tax purposes of all the items described in subsection (a) (1).

(B) Estates and trusts In the case of an estate or trust, the amount allowed as a deduction under subparagraph (A) shall be computed by excluding from the gross income of the estate or trust the portion (if any) of the items described in subsection (a) (1) which is properly paid, credited, or to be distributed to the beneficiaries during the taxable year. This subparagraph shall apply to the same taxable years, and to the same extent, as is provided in section 683.

(2) *Method of computing deduction.* For purposes of paragraph (1)—

(A) The term "inheritance tax" means the tax imposed on the beneficiary of the decedent or any prior decedent.

(B) The net value for inheritance tax purposes of all the items described in subsection (a) (1) shall be the excess of the value for inheritance tax purposes of all the items described in subsection (a) (1) over the deductions from the gross estate in respect of claims which represent the deductions and credit described in subsection (b). Such net value shall be determined with regard to the provisions of section 421 (d) (6) (B), relating to the deduction for tax with respect to restricted stock options.

(C) The inheritance tax attributable to such net value shall be an amount equal to the excess of the tax over the tax computed without including in the gross estate such net value.

(d) **Amounts Received by Surviving Annuitant Under Joint and Survivor Annuity Contract.**

(1) *Deduction for inheritance tax.* For purposes of computing the deduction under subsection (c) (1) (A), amounts received by a surviving annuitant—

(A) as an annuity under a joint and survivor annuity contract where the decedent annuitant died after December 31, 1953, and after the annuity starting date (as defined in section 72 (c) (4)), and

(B) during the surviving annuitant's life expectancy period,

shall, to the extent included in gross income under section 72, be considered as amounts included in gross income under subsection (a).

(2) *Net value for inheritance tax purposes.* In determining the net value for inheritance tax purposes under subsection (c) (2) (B) for purposes of this subsection, the value for inheritance tax purposes of the items described in paragraph (1) of this subsection shall be computed—

(A) by determining the excess of the value of the annuity at the date of the death of the deceased annuitant over the total amount excludable from the gross income of the surviving annuitant under section 72 during the surviving annuitant's life expectancy period, and

(B) by multiplying the figure so obtained by the ratio which the value of the annuity for inheritance tax purposes bears to the value of the annuity at the date of the death of the deceased.

(3) *Definitions.* For purposes of this subsection—

(A) The term "life expectancy period" means the period beginning with the first day of the first period for which an amount is received by the surviving annuitant under the contract and ending with the close of the taxable year with or in which falls the termination of the life expectancy of the surviving annuitant. For purposes of this subparagraph the life expectancy of the surviving annuitant shall be determined as of the date of the death of the deceased annuitant with reference to actuarial tables prescribed by the Secretary or his delegate.

(B) The surviving annuitant's expected return under the contract shall be computed, as of the death of the deceased annuitant, with reference to actuarial tables prescribed by the Secretary or his delegate.

IRC—Sec. 692. Income Taxes of Members of Armed Forces on Death

Chapter K—Partners and Partnerships

ARTICLE 1—DETERMINATION OF TAX LIABILITY

IRC—Sec. 701. Partners, Not Partnership, Subject to Tax

IRC—Sec. 702. Income and Credits of Partner as amended herein

(a) **General Rule.** In determining his income tax, each partner shall take into account separately his distributive share of the partnership's—

(1) gains and losses from sales or exchanges of capital assets held for not more than 6 months,

(2) gains and losses from sales or exchanges of capital assets held for more than 6 months,

(3) gains and losses from sales or exchanges of property described in section 1231 (relating to certain property used in a trade or business and involuntary conversions),

(4) Charitable contributions (as defined in section 170 (c)),

(5) A member of a partnership who is taxable on the income thereof shall, subject to the conditions prescribed in (b) and (c), be allowed a credit against the taxes imposed by this part on such income for net income taxes paid by the partnership to another state or country on such income.

(b) Credit shall be allowed only for such proportion of the tax paid to such other state or country by the partnership as the income of the partnership which is taxable to the partner under this law and also taxed to the partnership in such other state or country bears to the entire income of the partnership upon which the taxes paid to such other state or country were imposed.

(c) The credit shall not exceed such proportion of the tax payable under this law as the income of the partnership which is taxable to the partner under this law and also taxed to the partnership in such other state or country bears to the partner's entire income upon which the tax is imposed by this law.

(6) Taxes, described in (5) above, paid to another state or country on such income;

(7) other items of income, gain, loss, deduction, or credit, to the extent provided by regulations prescribed by the Franchise Tax Board and

(8) taxable income or loss, exclusive of items requiring separate computation under other paragraphs of this subsection.

(b) **Character of Items Constituting Distributive Share.** The character of any item of income, gain, loss, deduction, or credit included in a partner's distributive share under paragraphs (1) through (8) of subsection (a) shall be determined as if such item were realized directly from the source from which realized by the partnership, or incurred in the same manner as incurred by the partnership.

(c) **Gross Income of a Partner.** In any case where it is necessary to determine the gross income of a partner for purposes of this title, such amount shall include his distributive share of the gross income of the partnership.

IRC—Sec. 703. Partnership Computations as amended herein

(a) **Income and Deductions.** The taxable income of a partnership shall be computed in the same manner as in the case of an individual except that—

(1) the items described in section 702 (a) shall be separately stated, and

(2) the following deductions shall not be allowed to the partnership:

(A) the standard deduction provided in section 141,

(B) the deductions for personal exemptions provided in section 151,

(C) the deduction for taxes provided in section 164 (a) with respect to taxes, described in section 701 (5), paid to another state or country and to possessions of the United States,

(D) the deduction for charitable contributions provided in section 170,

(E) the net operating loss deduction provided in section 172, and

(F) the additional itemized deductions for individuals provided in part VII of subchapter B (sec. 211 and following).

(b) **Elections of the Partnership.** Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership.

IRC—Sec. 704. Partner's Distributive Share

IRC—Sec. 705. Determination of Basis of Partner's Interest

IRC—Sec. 706. Taxable Years of Partner and Partnership

IRC—Sec. 707. Transactions Between Partner and Partnership

IRC—Sec. 708. Continuation of Partnership

ARTICLE 2—CONTRIBUTIONS, DISTRIBUTIONS, AND TRANSFERS

IRC—Sec. 721. Nonrecognition of Gain or Loss on Contribution

IRC—Sec. 722. Basis of Contributing Partner's Interest

IRC—Sec. 723. Basis of Property Contributed to Partnership

IRC—Sec. 731. Extent of Recognition of Gain or Loss on Distribution

IRC—Sec. 732. Basis of Distributed Property Other Than Money

IRC—Sec. 733. Basis of Distributee Partner's Interest

IRC—Sec. 734. Optional Adjustment to Basis of Undistributed Partner's Property

IRC—Sec. 735. Character of Gain or Loss on Disposition of Distributed Property

IRC—Sec. 736. Payments to a Retiring Partner, Etc.

IRC—Sec. 741. Recognition and Character of Gain or Loss on Sale or Exchange

IRC—Sec. 742. Basis of Transferee Partner's Interest

IRC—Sec. 743. Optional Adjustment to Basis of Partnership Property

ARTICLE 3—PROVISIONS COMMON TO OTHER ARTICLES

IRC—Sec. 751. Unrealized Receivables and Inventory Items

IRC—Sec. 752. Treatment of Certain Liabilities

IRC—Sec. 753. Partner Receiving Income in Respect of Decedent

Chapter N—Tax Based on Income From Sources Within or Without This State

ARTICLE 1—GROSS INCOME OF NONRESIDENTS

Sec. 861. Nonresidents, Gross Income

In the case of nonresident taxpayers the gross income includes only the gross income from sources within this State.

Sec. 862. Nonresidents, Intangible Income

Income of nonresidents from stocks, bonds, notes, or other intangible personal property is not income from sources within this State unless the property has acquired a business situs in this State, except that if a nonresident buys or sells such property in this State or places orders with brokers in this State to buy or sell such property so regularly, systematically, and continuously as to constitute doing business in this State, the profit or gain derived from such activity is income from sources within this State irrespective of the situs of the property.

Sec. 863. Nonresident Beneficiaries

Income of estates and trusts distributed or distributable to nonresident beneficiaries is income from sources within this State only if distributed or distributable out of income of the estate or trust derived from sources within this State. For the purposes of this section, the nonresident beneficiary shall be deemed to be the owner of intangible personal property from which the income of the estate or trust is derived.

Sec. 864. Nonresidents, Allocation of Income

Gross income from sources within and without this State shall be allocated and apportioned under rules and regulations prescribed by the Franchise Tax Board.

Sec. 865. Compensation of Employees of Foreign Governments or International Organizations

(a) **Rule for Exclusion.** Wages, fees, or salary of any employee of a foreign government (including a consular or other officer, or a nondiplomatic representative), received as compensation for official services to such government shall not be included in gross income and shall be exempt from taxation under this subtitle if—

(1) such employee is not a citizen of the United States, and

(2) in the case of an employee of a foreign government, the services are of a character similar to those performed by employees of the Government of the United States in foreign countries; and

(3) in the case of an employee of a foreign government, the foreign government grants an equivalent exemption to employees of the Government of the United States performing similar services in such foreign country.

Sec. 866. Income Exempt Under Treaty

Income of any kind, to the extent required by any treaty obligation of the United States, shall not be included in gross income and shall be exempt from taxation under this subtitle.

ARTICLE 2—CREDIT FOR TAXES PAID

Sec. 901.

(a) **Credit, Residents.** Subject to the following conditions, residents shall be allowed a credit against the taxes imposed by this part for net income taxes imposed by and paid to another state on income taxable under this part:

(1) The credit shall be allowed only for taxes paid to the other state on income derived from sources within that state which is taxable under its laws irrespective of the residence or domicile of the recipient.

(2) The credit shall not be allowed if the other state allows residents of this State a credit against the taxes imposed by that state for taxes paid or payable under this part.

(3) The credit shall not exceed such proportion of the tax payable under this part as the income subject to tax in the other state and also taxable under this part bears to the taxpayer's entire income upon which the tax is imposed by this part.

(b) **Credit, Nonresidents.** Subject to the following conditions, nonresidents shall be allowed a credit against the taxes imposed by this part for net income taxes imposed by and paid to the state of residence on income taxable under this part:

(1) The credit shall be allowed only if the state of residence either does not tax income of residents of this State derived from sources within that state or allows residents of this State a credit against the taxes imposed by that state on such income for taxes paid or payable thereon under this part.

(2) The credit shall not be allowed for taxes paid to a state which allows its residents a credit against the taxes imposed by that state for income taxes paid or payable under this part irrespective of whether its residents are allowed a credit against the taxes imposed by this part for income taxes paid to that state.

(3) Credit shall be allowed only for such proportion of the taxes paid to the state of residence as the income taxable under this part and also subject to tax in the state of residence bears to the entire income upon which the taxes paid to the state of residence are imposed.

(4) The credit shall not exceed such proportion of the tax payable under this part as the income subject to tax in the state or country of residence and also taxable under this part bears to the entire income taxable under this part.

(c) **Estate or Trust, Considered Resident of Taxing State.** For the purposes of this article an estate or trust is considered a resident of the state which taxes the income of the estate or trust irrespective of whether the income is derived from sources within that state.

(d) **Credit, Estates and Trusts.** If an estate or trust is a resident of this State and also a resident of another state, is shall notwithstand-

ing the limitations herein, be allowed a credit against the taxes imposed by this part for net income taxes imposed by and paid to the other state, subject to the following conditions:

(1) Credit shall be allowed only for such proportion of the taxes paid to the other state as the income taxable under this part and also subject to tax in the other state bears to the entire income upon which the taxes paid to the other state are imposed.

(2) The credit shall not exceed such proportion of the tax payable under this part as the income subject to tax in the other state and also taxable under this part bears to the entire income taxable under this part.

(e) **Credit, Resident Beneficiaries of an Estate or Trust.** A resident beneficiary of an estate or trust who is taxable on the income of the estate or trust under this part shall, subject to the following conditions, be allowed a credit against the taxes imposed by this part on such income for net income taxes paid by the estate or trust to another state on such income:

(1) Credit shall be allowed only for such proportion of the tax paid to the other state by the estate or trust as the income of the estate or trust which is taxable to the beneficiary under this part and also taxed to the estate or trust in the other state bears to the entire income of the estate or trust upon which the taxes paid to the other state were imposed.

(2) The credit shall not exceed such proportion of the tax payable under this part as the income of the estate or trust which is taxable to the beneficiary under this part and also taxed to the estate or trust in the other state bears to the beneficiary's entire income upon which the tax is imposed by this part.

(f) **Credit, Where Net Income Tax Levied on Partnership as Such.**

(1) A member of a partnership who is taxable on the income thereof shall, subject to the conditions prescribed in (b) and (c), be allowed a credit against the taxes imposed by this part on such income for net income taxes paid by the partnership to another state on such income.

(2) Credit shall be allowed only for such proportion of the tax paid to such other state by the partnership as the income of the partnership which is taxable to the partner under this law and also taxed to the partnership in such other state bears to the entire income of the partnership upon which the taxes paid to such other state were imposed.

(3) The credit shall not exceed such proportion of the tax payable under this law as the income of the partnership which is taxable to the partner under this law and also taxed to the partnership in such other state bears to the partner's entire income upon which the tax is imposed by this law.

(g) **Credit Subsequent Refund.** If any taxes paid to another state for which a taxpayer has been allowed a credit under this part are at any time credited or refunded to the taxpayer, the taxpayer shall immediately report that fact to the commissioner.

(h) **Refund, Recovery of Erroneous Credit.** A tax equal to the credit allowed for the taxes credited or refunded by the other state

is due and payable from the taxpayer upon notice and demand from the commissioner.

(i) **Interest, Where Credit Refunded.** Interest shall be added to and collected as a part of the tax at the rate of 6 percent per annum from the date the credit was allowed under this part to the date of the notice and demand.

(j) **Collection of Interest, Where Credit Refunded.** If the tax and interest are not paid within 10 days from the date of notice and demand, there shall be collected as a part of the tax interest upon the unpaid amount of tax and interest at the rate of 6 percent per annum from the date of the notice and demand until the amount is paid.

(k) **Credit Not Allowable If It Results in Illegal Discrimination.** The credit against the taxes imposed by this part for income taxes paid to another state shall not be allowed to any taxpayer or any class of taxpayers if the allowance of the credit will result in an invalid or illegal discrimination aganst another taxpayer or another class of taxpayer.

Chapter O—Gain or Loss on Disposition of Property

ARTICLE 1—DETERMINATION OF AMOUNT OF AND RECOGNITION OF GAIN OR LOSS

IRC—Sec. 1001. Determination of Amount of and Recognition of Gain or Loss

IRC—Sec. 1002. Recognition of Gain or Loss

IRC—Sec. 1011. Adjusted Basis for Determining Gain or Loss

IRC—Sec. 1012. Basis of Property—Cost

IRC—Sec. 1013. Basis of Property Included in Inventory

Sec. 1013.1. Basis of Property Acquired From a Decedent

Except as otherwise provided, the basis of property in the hands of a person acquiring the property from a decedent or to whom the property passed from a decedent shall, if not sold, exchanged, or otherwise disposed of before the decedent's death by such person, be the fair market value of the property at the time of its acquisition.

Sec. 1013.3. Property Aquired From the Decedent

For purposes of Section 901(d), the following property shall be considered to have been acquired from or to have passed from the decedent:

(a) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent;

(b) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent, with the right reserved to the decedent at all times before his death to revoke the trust;

(c) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent with the right reserved to the decedent at all times before

his death to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust;

(d) Property passing without full and adequate consideration under a general power of appointment exercised by the decedent by will;

(e) In the case of decedents dying after April 8, 1953, property which represents the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any state, territory, or possession of the United States or any foreign country, if at least one-half of the whole of the community interest in such property was includible in determining the value of the decedent's gross estate under Chapter 3 of the California Inheritance Tax Law.

(f) In the case of decedents dying after December 31, 1952, property which represents the survivor's interest in a joint and survivor's annuity if the value of any part of such interest was required to be included in determining the value of decedent's gross estate under the California Inheritance Tax Law.

(g) In the case of decedents dying after December 31, 1954, property acquired from the decedent by reason of death, form of ownership, or other conditions (including property acquired through the exercise or nonexercise of a power of appointment), if by reason thereof the property is required to be included in determining the value of the decedent's estate under Division 2, Part 8 of the Revenue and Taxation Code. In such case, if the property is acquired before the death of the decedent, the basis shall be the amount determined under Section 1013.1 reduced by the amount allowed to the taxpayer as deductions in computing taxable income under this part or prior income tax laws or exhaustion, wear and tear, obsolescence, amortization, and depletion on such property before the death of the decedent. Such basis shall be applicable to the property commencing on the death of the decedent. This paragraph shall not apply to—

(1) Property described in any other subsection of this section.

Sec. 1013.5. Property Representing Income in Respect of a Decedent

Sections 1013.1 and 1013.3 shall not apply to property which constitutes a right to receive an item of income in respect of a decedent under Section 691.

Sec. 1013.7. Employee Stock Options

Sections 1013.1 and 1013 3 shall not apply to restricted stock options described in Section 421, which the employee has not exercised at death.

IRC—Sec. 1015. Basis of Property Acquired by Gifts and Transfers in Trust

IRC—Sec. 1016. Adjustments to Basis as amended

(a) **General Rule.** Proper adjustment in respect of the property shall in all cases be made—

(2) in respect of any period since February 28, 1913, for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent of the amount—

(A) allowed as deductions in computing taxable income under this subtitle or prior income tax laws, and

(B) resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under this subtitle,

but not less than the amount allowable under this subtitle or prior income tax laws. Where no method has been adopted under section 167 (relating to depreciation deduction), the amount allowable shall be determined under section 167 (b) (1). Subparagraph (B) of this paragraph shall not apply in respect of any period since February 28, 1913, and before January 1, 1952, unless an election has been made under section 1020. Where for any taxable year before the taxable year 1932 the depletion allowance was based on discovery value or a percentage of income, then the adjustment for depletion for such year shall be based on the depletion which would have been allowable for such year if computed without reference to discovery value or a percentage of income;

IRC—Sec. 1017. Discharge of Indebtedness

IRC—Sec. 1019. Property on Which Lessee Has Made Improvements

IRC—Sec. 1020. Election in Respect of Depreciation, Etc., Allowed Before 1952

IRC—Sec. 1021. Sale of Annuities

ARTICLE 2. COMMON NONTAXABLE EXCHANGES

IRC—Sec. 1031. Exchange of Property Held for Productive Use, Etc.

IRC—Sec. 1033. Involuntary Conversions as amended

(a) **General Rule.** If property (as a result of its destruction in whole or in part, theft. seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted—

(3) *Conversion into money where disposition occurred after 1950.* Into money or into propery not similar or related in service or use to the converted property, and the disposition of the converted property (as defined in paragraph (2)) occurred after December 31, 1950, the gain (if any) shall be recognized except to the extent hereinafter provided in this paragraph.

(D) Time for assessment of other deficiencies attributable to election. If the election provided in subparagraph (A) is made by the taxpayer and such other property or such stock was purchased before the beginning of the last taxable year in which any part of the gain upon such conversion is realized, any deficiency, to the extent resulting from such election, for any taxable year ending before such last taxable year may be assessed (notwithstanding any law or rule of law which would otherwise prevent such assessment) at any time before the expiration of the period within which a deficiency for such last taxable year may be assessed.

IRC—Sec. 1034. Sale or Exchange of Residence as amended

(j) **Statute of Limitations.** If after December 31, 1950, the taxpayer during a taxable year sells at a gain property used by him as his principal residence, then—

(1) the statutory period for the assessment of any deficiency attributable to any part of such gain shall not expire before the expiration of four years from the date the Franchise Tax Board is notified by the taxpayer (in such manner as the Franchise Tax Board may by regulations prescribe) of—

(A) the taxpayer's cost of purchasing the new residence which the taxpayer claims results in nonrecognition of any part of such gain,

(B) the taxpayer's intention not to purchase a new residence within the period specified in subsection (a), or

(C) a failure to make such purchase within such period; and

(2) such deficiency may be assessed before the expiration of such four-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

IRC—Sec. 1035. Certain Exchanges of Insurance Policies

IRC—Sec. 1036. Stock for Stock of Same Corporation

ARTICLE 3—SPECIAL RULES, F.C.C. POLICY, S.E.C. ORDERS

IRC—Sec. 1052. Basis Established by Prior Internal Revenue Laws

IRC—Sec. 1053. Property Acquired Before March 1, 1913

IRC—Sec. 1071. Gain From Sale or Exchange to Effectuate Policies
Sec. 1081.

(a) **Gain or Loss, on Liquidations Pursuant to Order of Federal Securities and Exchange Commission.** No gain or loss shall be recognized to a shareholder from a distribution of stocks or securities in liquidation of a corporation made pursuant to an order of the Federal Securities and Exchange Commission under authority vested in it by the Public Utility Holding Company Act of 1935, as amended.

(b) **Exchanges Not Solely in Kind.**

(1) If an exchange would be within the provisions of (a) if it were not for the fact that property received in exchange consists not only of property permitted by such section to be received without the recognition of gain or loss, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property, and the loss, if any, to the recipient shall not be recognized.

(2) If an exchange is within the provisions of subsection (a) and if it includes a distribution which has the effect of the distribution of a taxable dividend, then there shall be taxed as a dividend to each distributee such an amount of the gain recognized under such subsection as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913. The remainder, if any, of the gain recognized under subsection (a) shall be taxed as a gain from the exchange of property.

(c) **Conditions for Application of Article.** The provisions of (a) shall not apply to an exchange, expenditure, investment, distribution, or sale unless—

(1) The order of the Securities and Exchange Commission in obedience to which such exchange, expenditure, investment, distribution, or sale was made recites that such exchange, expenditure, investment, distribution, or sale is necessary or appropriate to effectuate the provisions of Section 11(b) of the Public Utility Holding Company Act of 1935 (49 Stat. 820; 15 U S. C. 79k(b));

(2) Such order specifies and itemizes the stock and securities and other property which are ordered to be acquired, transferred, received, or sold on such exchange, acquisition, expenditure, distribution, or sale, and, in the case of an investment, the investment to be made; and

(3) Such exchange, acquisition, expenditure, investment, distribution, or sale was made in obedience to such order, and was completed within the time prescribed therefor.

(d) **Nonapplication of Other Provisions.** If a distribution described in (a), or an exchange or distribution made in obedience to an order of the Securities and Exchange Commission, is within any of the provisions of this article and may also be considered to be within any of the other provisions of this part then the provisions of this article only shall apply.

(e) **Basis, Securities Acquired Pursuant to Federal Securities and Exchange Commission Order.** In the case of stocks or securities received by a taxpayer on or after January 1, 1939, under circumstances described in (a) the basis of such stocks or securities shall be the same as that of the stocks or securities for the surrender of which they were acquired.

ARTICLE 4—WASH SALES OF STOCK OR SECURITIES

Sec. 1091. Loss From Wash Sales of Stock or Securities as amended

(a) **Disallowance of Loss Deduction.** In the case of any loss claimed to have been sustained from any sale or other disposition of shares of stock or securities where it appears that, within a period beginning 30 days before the date of such sale or disposition and ending 30 days after such date, the taxpayer has acquired (by purchase or by an exchange on which the entire amount of gain or loss was recognized by law), or has entered into a contract or option so to acquire, substantially identical stock or securities, then no deduction for the loss be allowed under section 165 (c) (2).

(b) **Stock Acquired Less Than Stock Sold.** If the amount of stock or securities acquired (or covered by the contract or option to acquire) is less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the loss from the sale or other disposition of which is not deductible shall be determined under regulations prescribed by the Franchise Tax Board.

(c) **Stock Acquired Not Less Than Stock Sold.** If the amount of stock or securities acquired (or covered by the contract or option to acquire) is not less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the

acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility of the loss shall be determined under regulations prescribed by the Franchise Tax Board.

(d) **Unadjusted Basis in Case of Wash Sale of Stock.** If the property consists of stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility (under this section or corresponding provisions of prior internal revenue laws) of the loss from the sale or other disposition of substantially identical stock or securities, then the basis shall be the basis of the stock or securities so sold or disposed of, increased or decreased, as the case may be, by the difference, if any, between the price at which the property was acquired and the price at which such substantially identical stock or securities were sold or otherwise disposed of.

Chapter P—Capital Gains and Losses

IRC—Sec. 1201. Alternative Tax as amended herein

(a) **Other Taxpayers.** If for any taxable year the net long-term capital gain of any taxpayer (other than a corporation) exceeds the net short-term capital loss, then, in lieu of the tax imposed by sections 1 and 511, there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

(1) a partial tax computed on the taxable income reduced by an amount equal to 50 percent of such excess, at the rate and in the manner as if this subsection had not been enacted, and

(2) an amount equal to 25 percent of the excess of the net long-term capital gain over the net short-term capital loss.

IRC—Sec. 1202. Deduction for Capital Gains

In the case of a taxpayer other than a corporation, if for any taxable year the net long-term capital gain exceeds the net short-term capital loss, 50 percent of the amount of such excess shall be a deduction from gross income. In the case of an estate or trust, the deduction shall be computed by excluding the portion (if any), of the gains for the taxable year from sales or exchanges of capital assets, which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

IRC—Sec. 1211. Limitation on Capital Losses as amended herein

(b) **Other Taxpayers.** In the case of a taxpayer other than a corporation, losses from sales or exchanges of capital assets shall be allowed only to the extent of the gains from such sales or exchanges, plus the taxable income of the taxpayer or $1,000, whichever is smaller. For purposes of this subsection, taxable income shall be computed without regard to gains or losses from sales or exchanges of capital assets and without regard to the deductions provided in section 151 (relating to personal exemptions) or any deduction in lieu thereof.

IRC—Sec. 1212. Capital Loss Carryover

IRC—Sec. 1221. Capital Asset Defined

Chapter Q—Readjustment of Tax Between Years and Special Limitations

(a) **Fractional Parts of a Month.** For purposes of this part, a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it should be considered as a month.

(c) **Computation of Tax Attributable to Income Allocated to Prior Period.** For the purpose of computing the tax attributable to the amount of an item of gross income allocable under this part to a particular taxable year, such amount shall be considered income only of the person who would be required to include the item of gross income in a separate return filed for the taxable year in which such item was received or accrued.

(d) **Effective Date of Certain Subsections.** Subsection (c) of Section 1301 and subsection (c) of this section shall apply only to amounts received or accrued after March 1, 1954. Notwithstanding any other provision of this title, section 107 of the Internal Revenue Code of 1939 shall apply to amounts received or accrued as a partner on or before March 1, 1954, under this section and to the computation of tax on amounts received or accrued on or before March 1, 1954.

IRC—Sec. 1321. Involuntary Liquidation of LIFO Inventories

IRC—Sec. 1331. War Loss Recoveries

IRC—Sec. 1332. Inclusion in Gross Income of War Loss Recoveries

IRC—Sec. 1333. Tax Adjustment Measured by Prior Benefits as amended

If this section applies to the taxable year pursuant to an election made by the taxpayer under section 1335 or section 127 (c) (5) of the Internal Revenue Code of 1939—

(2) *Adjustment for Prior Tax Benefits.* That part of the amount of the recovery, in respect of any property considered under such section 127 (a) as destroyed or seized, which is not in excess of the allowable deductions in prior taxable years on account of such destruction or seizure of the property (the amount of such allowable deductions being first reduced by the aggregate amount of any prior recoveries in respect of the same property) shall be excluded from gross income for the taxable year of the recovery for purposes of computing the tax under this subtitle; but there shall be added to, and assessed and collected as a part of, the tax under this subtitle for the taxable year of the recovery the total increase in the tax under chapters 1 and 2 of the Internal Revenue Code of 1939 for all taxable years which would result by decreasing, in an amount equal to such part of the recovery so excluded, such deductions allowable in the prior taxable years with respect to the destruction or seizure of the property. Such increase in the tax for each such year so resulting shall be computed in accordance with regulations prescribed by the Secretary or his delegate. Such regulations shall give effect to previous recoveries of any kind (including recoveries described in section 111, relating to recovery of bad debts, etc.) with respect to any prior year, and shall provide for the case where there was no tax for the prior year. All credits allowable against the tax for any year and all carryovers and carrybacks affected by so decreasing the allowable deductions shall be taken into account in computing the increase in the tax.

IRC—Sec. 1334. Restoration of Value of Investments Referrable to Destroyed, Etc., Property

IRC—Sec. 1335. Election by Taxpayer for Application of Section 1333 as amended herein

If the taxpayer elects to have section 1333 apply to any taxable year in which he recovered any money or property in respect of property considered under section 127 (a) of the Internal Revenue Code of 1939, as destroyed or seized, section 1333 shall apply to all taxable years of the taxpayer beginning after December 31, 1941, and such election, once made, shall be irrevocable. The election shall be made in such manner and at such time as the Secretary or his delegate may by regulations prescribe, except that no election under this section may be made unless the taxpayer recovers money or property (in respect of property considered under such section 127 (a) as destroyed or seized) during the taxable year for which the election is made. If pursuant to such election section 1333 applies to any taxable year—

(1) the period of limitations provided on the making of assessments and the beginning of distraint or a proceeding in court for collection shall not, with respect to—

(A) the amount to be added to the tax for such taxable year under section 1333, and

(B) any deficiency for such taxable year or for any other taxable year, to the extent attributable to the basis of the recovered property being determined under section 1336 (b),

expire before the expiration of 2 years following the date of the making of such election, and such amount and such deficiency may be assessed at any time before the expiration of such period notwithstanding any law or rule of law which would otherwise prevent such assessment and collection, and

(2) in case refund or credit of any overpayment resulting from the application of section 1333 to such taxable year is prevented on the date of the making of such election, or within one year from such date, by the operation of any law or rule of law, refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within one year from such date.

In the case of any taxable year ending before the date of the making by the taxpayer of an election under this section, no interest shall be paid on any overpayment resulting from the application of section 1333 to such taxable year, and no interest shall be assessed or collected with respect to any amount or any deficiency specified in paragraph (1) for any period before the expiration of 6 months following the date of the making of such election by the taxpayer.

IRC—Sec. 1336. Basis of Recovered Property

IRC—Sec. 1337. Applicable Rules

IRC—Sec. 1481. Mitigation of Effect of Renegotiation of Government Contracts

Chapter S—Information and Returns

Sec. 6011. General Requirement of Return, Statement, or List

General Rule. Any person made liable for any tax imposed by this part, or for the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Franchise Tax Board. Every person required to make a return or statement shall include therein the information required by such forms or regulations.

Sec. 6011.1. Original Return

Every resident, fiduciary, partnership, estate and trust, subject to this part, who does not make an income tax return to the United States Government under the Internal Revenue Code because of insufficient income taxable by the United States Government to require the making of an income tax return, but who would have sufficient income if same is taxable by the states shall be liable and is hereby required to make to this State an original return in a form prescribed by the Franchise Tax Board.

Sec. 6011.3. Nonresidents

Every nonresident, whether or not required to make an income tax return to the United States Government and regardless of the amount of his state income shall make a return to the Franchise Tax Board, in a form prescribed by it, stating specifically the items of his gross income derived from sources within this State.

Sec. 6011.5. Duplicate Federal Computation

Every person required to pay a tax under this part who is required to make an income tax return to the United States Government under the provisions of the Internal Revenue Code, shall make an income tax return to the Franchise Tax Board, in a form prescribed by him, stating specifically the items of his federal gross income, the deductions allowed by the Internal Revenue Code in determining federal taxable income, and such additions thereto and exclusions therefrom as are provided in this part in determining proper State taxable income.

Sec. 6012. Persons Required to Make Returns of Income

(a) **General Rule.** Returns with respect to income taxes under this part shall be made by the following:

(1) Every individual having for the taxable year State taxable income of $3000. or more or gross income of $6000. or more, regardless of the amount of State taxable income.

(2) Every estate the State taxable income of which for the taxable year is $1000. or more or gross income of $6000. or more, regardless of the amount of State taxable income.

(3) Every trust having for the taxable year State taxable income of $100. or more or gross income of $6000. or more, regardless of the amount of State taxable income.

(b) **Returns Made by Fiduciaries.**

(1) *Returns of Decedents.* If an individual is deceased, the return of such individual required under subsection (a) shall be made by his executor, administrator, or other person charged with the property of such decedent.

(2) *Persons Under a Disability.* If an individual is unable to make a return required under subsection (a) the return of such individual shall be made by a duly authorized agent, his committee, guardian, fiduciary or other person charged with the care of the person or property of such individual. The preceding sentence shall not apply in the case of a receiver appointed by authority of law in possession of only a part of the property of an individual.

(3) *Returns of Estates and Trusts.* Returns of an estate or a trust shall be made by the fiduciary thereof.

(4) *Joint Fiduciaries* Under such regulations as the Franchise Tax Board may prescribe, a return made by one of two or more joint fiduciaries shall be sufficient compliance with the requirements of this section. A return made pursuant to this paragraph shall contain a statement that the fiduciary has sufficient knowledge of the affairs of the person for whom the return is made to enable him to make the return, and that the return is, to the best of his knowledge and belief, true and correct.

Sec. 6013. Joint Returns of Income Tax by Husband and Wife

(a) **Joint Returns.** A husband and wife may make a single return jointly of income taxes under subtitle A, even though one of the spouses has neither gross income nor deductions, except as provided below:

(1) no joint return shall be made if the husband and wife have different taxable years; except that if such taxable years begin on the same day and end on different days because of the death of either or both, then the joint return may be made with respect to the taxable year of each. The above exception shall not apply if the surviving spouse remarries before the close of his taxable year, nor if the taxable year of either spouse is a fractional part of a year under section 443 (a) (1);

(2) in the case of death of one spouse or both spouses the joint return with respect to the decedent may be made only by his executor or administrator; except that in the case of the death of one spouse the joint return may be made by the surviving spouse with respect to both himself and the decedent if no return for the taxable year has been made by the decedent, no executor or administrator has been appointed, and no executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse. If an executor or administrator of the decedent is appointed after the making of the joint return by the surviving spouse, the executor or administrator may disaffirm such joint return by making, within 1 year after the last day prescribed by law for filing the return of the surviving spouse, a separate return for the taxable year of the decedent with respect to which the joint return was made, in which case the return made by the survivor shall constitute his separate return.

(b) **Joint Return After Filing Separate Return.**

(1) *In General.* Except as provided in paragraph (2), if an individual has filed a separate return for a taxable year for which a joint return could have been made by him and his spouse under subsection (a) and the time prescribed by law for filing the return for such taxable year has expired, such individual and his spouse may nevertheless make a joint return for such taxable year. A joint return filed by the husband and wife under this subsection shall constitute the return of the husband and wife for such taxable year, and all payments, credits, refunds, or other repayments made or allowed with respect to the separate return of either spouse for such taxable year shall be taken into account in determining the extent to which the tax based upon the joint return has been paid. If a joint return is made under this subsection, any election (other than the election to file a separate return) made by either spouse in his separate return for such taxable year with respect to the treatment of any income, deduction, or credit of such spouse shall not be changed in the making of the joint return where such election would have been irrevocable if the joint return had not been made. If a joint return is made under this subsection after the death of either spouse, such return with respect to the decedent can be made only by his executor or administrator.

(2) *Limitations for Making of Election.* The election provided for in paragraph (1) may not be made—

(A) unless there is paid in full at or before the time of the filing of the joint return the amount shown as tax upon such joint return; or

(B) after the expiration of 4 years from the last date prescribed by law for filing the return for such taxable year (determined without regard to any extension of time granted to either spouse); or

(C) after there has been mailed to either spouse, with respect to such taxable year, a notice of deficiency under section 18583 or 18585 if the spouse, as to such notice, files a protest under section 18590 or appeal under section 18593 within the time prescribed in such sections; or

(D) after either spouse has commenced a suit in any court for the recovery of any part of the tax for such taxable year; or

(E) after either spouse has entered into a closing agreement under section 19132 with respect to such taxable year.

(3) Returns, When Deemed Filed. For the purposes of this part a return filed before the last day prescribed by law for filing shall be considered as filed on that day.

(c) **Treatment of Joint Return After Death of Either Spouse.** For purposes of this part where the husband and wife have different taxable years because of the death of either spouse, the joint return shall be treated as if the taxable years of both spouses ended on the date of the closing of the surviving spouse's taxable year.

(d) **Definitions.** For purposes of this section—

(1) the status as husband and wife of two individuals having taxable years beginning on the same day shall be determined—

(A) if both have the same taxable year—as of the close of such year; and

(B) if one dies before the close of the taxable year of the other—as of the time of such death; and

(2) an individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married; and

(3) if a joint return is made, the tax shall be computed on the aggregate income and the liability with respect to the tax shall be joint and several.

Chapter 7—Time for Filing Returns and Other Documents

Sec. 6071.5. Forms

Returns required by this part shall not be under oath but shall contain, or be verified by, a written declaration that they are made under the penalties of perjury. The Franchise Tax Board shall prepare blank forms for the returns and shall distribute them throughout the State and furnish them upon application. Failure to receive or secure the forms does not relieve any taxpayer from making any return required by this part.

Sec. 6072. Time for Filing Income Tax Returns

(a) **General Rule.** Returns made on the basis of the calendar year shall be filed on or before the 15th day of April following the close of the calendar year and returns made on the basis of a fiscal year shall be filed on or before the 15th day of the fourth month following the close of the fiscal year, except as otherwise provided.

Sec. 6081. Extension of Time for Filing Returns

(a) **General Rule.** The Franchise Tax Board may grant a reasonable extension of time for filing any return, declaration, statement, or other document required by this part. Except in the case of taxpayers who are abroad, no such extension shall be for more than 6 months.

Sec. 6083. Members of Armed Forces, Extension of Time

(a) In the case of a taxpayer who is serving as a member of the Armed Forces of the United States or any auxiliary branch thereof, or the Merchant Marine, beyond the boundaries of the continental United States, the Franchise Tax Board shall automatically grant, without application being made therefor, an extension of time, free from interest and penalties, for filing the return, for payment of the tax, for taking any of the steps required by Sections 18590, 18593, 19053, 19057 and 19058 of the Revenue and Taxation Code, until 180 days after his return to the United States.

(b) "Continental United States," as used in subsection (a) means the 48 states of the United States and the District of Columbia.

Sec. 6085. Supplementary Returns

If the Franchise Tax Board shall be of the opinion that any taxpayer required under this part to file a return has failed to file such a return or to include in a return filed, either intentionally or through error, items of taxable income, it may require from such taxpayer a return or supplementary return in such form as it shall prescribe, of all the items of income which the taxpayer received during the year for which the return is made, whether or not taxable under the provisions of this part. If from a supplementary return, or otherwise, the Franchise Tax Board finds that any items of income, taxable under this part, have been omitted from the original return, it may require the items so omitted to be added to the original return. Such supplementary return and the correction of the original return shall not relieve the taxpayer from any of the penalties to which he may be liable under any provisions of this part, whether or not the Franchise Tax Board required a return or a supplementary return under this section.

Chapter U—Definitions

Sec. 7701. General Provisions and Definitions

(a) When used in this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *"Person."* "Person" includes individuals, fiduciaries, partnerships, and corporations.

(2) *"Partnership."* "Partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization,

through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this part, a trust or estate or a corporation.

"Partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

A person shall be recognized as a partner for income purposes if he owns a capital interest in a partnership in which capital is a material income-producing factor, whether or not such interest was derived by purchase or gift from any other person.

(3) *"Corporation."* "Corporation" includes joint-stock companies or associations, insurance companies, and business trusts or so-called "Massachusetts trusts."

(4) *"Domestic."* "Domestic" when applied to a corporation or partnership means created or organized under the laws of this State.

(5) *"Foreign."* "Foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(6) *"Fiduciary."* "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person, whether individual or corporate, acting in any fiduciary capacity for any person, estate or trust.

(7) *"Stock."* "Stock" includes shares in an association or joint stock company.

(8) *"Shareholder."* "Shareholder" includes a member in an association or joint stock company.

(9) *"United States."* "United States," when used in a geographical sense, includes the states, the Territories of Alaska and Hawaii, the District of Columbia, and the possessions of the United States.

(10) *"State."* "State" includes the Territories of Alaska and Hawaii, the District of Columbia, and the possessions of the United States.

(11) *"Secretary."* The term "secretary" as used in the Internal Revenue Code, when any part of that code is incorporated herein by reference, mean the Franchise Tax Board.

(12) *"Delegate."* The term "secretary or his delegate" as used in the Internal Revenue Code, when any part of that code is incorporated herein by reference, mean the Franchise Tax Board.

(13) *"Commissioner."* "Commissioner" as used in this part and the word "commissioner" as used in the Internal Revenue Code when any part of that code is incorporated herein by reference, mean the Franchise Tax Board.

(14) *"Taxpayer."* "Taxpayer" includes any individual, fiduciary, estate, or trust subject to the tax imposed by this part.

(15) *"Military or Naval Forces."* The term "military or naval forces of the United States" and the term armed forces of the United States" each includes all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, and each term also includes the Coast Guard. The members of such forces

include commissioned officers and personnel below the grade of commissioned officers in such forces.

(16) "*Withholding Agent.*" The term "withholding agent" means any person required to withhold any tax under this part.

(17) "*Husband and Wife.*" As used in this part, if the husband and wife therein referred to are divorced, wherever appropriate to the meaning of this part, the term "wife" shall be read "former wife" and the term "husband" shall be read "former husband." If the payments described in this part are made by or on behalf of the wife or former wife to the husband or former husband instead of vice versa, wherever appropriate to the meaning of this part, the term "husband" shall be read "wife" and the term "wife" shall be read "husband."

(18) "*Individual.*" "Individual" means a natural person.

(19) "*Counsel for Franchise Tax Board.*" The term "counsel for the Franchise Tax Board." and "Franchise Tax Counsel" as used in this part, means attorney or attorneys appointed or employed by the Franchise Tax Board and acting subject to the approval and under the supervision of the Attorney General.

(20) "*Employee.*" For the purpose of applying the provisions of Sections 104, 105 and 106 with respect to accident and health insurance or accident and health plans, for the purpose of applying the provisions of Section 101(b) with respect to employees' death benefits, and for the purpose of applying the provisions of this part with respect to contributions to or under a stock bonus, pension, profit-sharing, or annuity plan, and with respect to distributions under such a plan, or by a trust forming part of such a plan, the term "employee" shall include a full-time life insurance salesman who is considered an employee for the purpose of Chapter 21 of the Federal Internal Revenue Code, or in the case of services performed before January 1, 1951, who would be considered an employee if his services were performed during 1951.

(21) *Net Income, Defined.* For the purpose of this part, the term "net income" means taxable income.

(22) "*Attorney General.*" "Attorney General" means the Attorney General of the State of California.

(23) "*Taxable year.*" "Taxable year" means the calendar year or the fiscal year upon the basis of which the taxable income is computed under this part. If no fiscal year has been established, "taxable year" means the calendar year.

"Taxable year" means, in the case of a return made for a fractional part of a year under this part or under regulations prescribed by the Franchise Tax Board, the period for which the return is made.

(24) "*Fiscal year.*" "Fiscal year" means an accounting period of 12 months ending on the last day of any month other than December.

(25) "*Paid or incurred.*" "Paid or incurred" and "paid or accrued" shall be construed according to the method of accounting upon the basis of which the taxable income is computed under this part.

(26) *"Trade or business."* "Trade or business" includes the performance of the functions of a public office.

(27) *"Tax Court."* "Tax Court" means the Board of Tax Appeals.

(28) *"Board."* "Board" means the Board of Tax Appeals.

(29) *"Internal Revenue Code or IRC."* Whenever the term "Internal Revenue Code or IRC" is mentioned in this part, it means the Internal Revenue Code of 1954, as amended to January 1, 1957, unless the context otherwise expressly provides. The subtitles, chapters, subchapters, parts, subparts and sections of said code as enumerated, excepted and amended herein are hereby incorporated in this part by such reference and shall have effect as though fully set forth in this part. However, in the case of any change in the federal revenue law made by any subsequent amendment of such code, or enactment of any code in lieu thereof, or amendment of any such later code, it shall be the policy of this State, by subsequent enactment, to adopt such change retroactively so that the measure of the tax imposed by this part shall always be the same, subject to exceptions expressly provided in this part, as for the purpose of the federal income tax.

(30) *"Department."* "Department," as used in this part, means the Franchise Tax Department.

(31) *"Induction Period."* The term "induction period" means any period during which, under laws heretofore or hereafter enacted relating to the induction of individuals for training and service in the armed forces of the United States, individuals (other than individuals liable for induction by reason of a prior deferment) are liable for induction for such training and service.

(32) *Federal Personnel.* Whenever and wherever the provisions of the "Internal Revenue Code" incorporated by reference in Section, refer to the Secretary of the Treasury, Commissioner of Internal Revenue or other federal personnel or agencies, the reference shall mean the Franchise Tax Board.

(b) **"Includes" and "Including."** The terms "includes" and "including" when used in a definition contained in this part shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(c) **"Foreign Country."** "Foreign country" means any jurisdiction other than one embraced within the United States.

(d) **"Resident."** "Resident" includes:

(1) Every individual who is in this State for other than a temporary or transitory purpose.

(2) Every individual domiciled in this State who is outside the State for a temporary or transitory purpose.

Any individual who is a resident of this State continues to be a resident even though temporarily absent from the State.

(e) **"Nonresident."** "Nonresident" means every individual other than a resident.

(f) **Presumption of Residence.** Every individual who spends in the aggregate more than nine months of the taxable year within this State shall be presumed to be a resident. The presumption may be over-

come by satisfactory evidence that the individual is in the the State for a temporary or transitory purpose.

(g) **Title.** This part is known and may be cited as the "Personal Income Tax Law."

(h) **"References by Number."** A reference made in the sections of the Internal Revenue Code, incorporated by reference in section 7701(a)(29) of this part, by number without further identification:

(1) To a Subtitle, is a reference to Division 2, Part 10, of the Revenue and Taxation Code.

(2) To a Chapter, is a reference to Part 10, Division 2, of said code.

(3) To a Subchapter, is a reference to that Chapter in this part.

(4) To a Part or Subpart, is a reference to that Article in this part.

(5) To a Section, is a reference to that section incorporated in this part.

(i) **"Prospective Application."** The amendments made by this act to Part 10 of Division 2 of the Revenue and Taxation Code are applicable only in the computation of income taxes for taxable years beginning on or after January 1, 1957 and under no circumstances are the amendments to be so applied as to reduce income taxes for prior taxable years computed under prior income tax laws.

(j) **Continuing Provisions, Effect of.** The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations thereof, and not as new enactments.

(k) **Repeal, Effect of.** The repeal of any provision of the Personal Income Tax Law of 1955 shall not affect any act done or any right accruing or accrued, or any suit or proceeding had or commmenced in any civil cause, before such repeal; but all rights and liabilities under such law shall continue, and may be enforced in the same manner, as if such repeal had not been made.

(*l*) **Cross Reference, Effect of.** For the purpose of applying the Personal Income Tax Law of 1954 or the Personal Income Tax Law as herein enacted to any period, any reference in either such law to another provision of the Personal Income Tax Law of 1954 or the Personal Income Tax Law as herein enacted which is not then applicable to such period shall be deemed a reference to the corresponding provision of the other law which is then applicable to such period.

(m) **Severability.** If any chapter, article, section, subsection, clause, sentence or phrase of this part which is reasonably separable from the remaining portions of this part, or the application thereof to any person, taxpayer or circumstance, is for any reason determined unconstitutional, such determination shall not affect the remainder of this part, nor, will the application of any such provision to other persons, taxpayers or circumstances, be affected thereby.

CURRENT INCOME TAX SECTIONS

Article 3. Amended Returns

18451. **Federal Adjustments, Report to Franchise Tax Board.** If the amount of taxable income for any year of any taxpayer as returned to the United States Treasury Department is changed or corrected by the Commissioner of Internal Revenue or other officer of the United States or other competent authority, or where a renegotiation of a contract or subcontract with the United States results in a change in taxable income, such taxpayer shall report such change or corrected taxable income, or the results of such negotiation, within 90 days after the final determination of such change or correction or renegotiation, or as required by the Franchise Tax Board, and shall concede the accuracy of such determination or state wherein it is erroneous. Any taxpayer filing an amended return with such department shall also file within 90 days thereafter an amended return with the Franchise Tax Board which shall contain such information as it shall require.

18452. **Information Return, Charitable Trust.** Every trust claiming a charitable, religious, scientific, literary, or educational deduction under Section 17734 for the taxable year shall furnish information with respect to such taxable year, at such time and in such manner as the Franchise Tax Board may by regulations prescribe, setting forth—

(a) The amount of the charitable, religious, scientific, literary, or educational deduction taken under Section 17734 within such year (showing separately the amount of such deduction which was paid out and the amount which was permanently set aside for charitable, religious, scientific, literary, or educational purposes during such year);

(b) The amount paid out within such year which represents amounts for which charitable, religious, scientific, literary, or educational deductions under Section 17734 have been taken in prior years;

(c) The amount for which charitable, religious, scientific, literary, or education deductions have been taken in prior years but which has not been paid out at the beginning of such year;

(d) The amount paid out of principal in the current and prior years for charitable, religious, scientific, literary, or education purposes;

(e) The total income of the trust within such year and the expenses attributable thereto; and

(f) A balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

This section shall not apply in the case of a taxable year if all the taxable income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries.

Article 4. Returns by Persons Outside the Americas

18470 **Certain Acts Postponed, Where Individual Outside Americas.** If an individual serving in the Armed Forces of the United States, or serving in support of such armed forces, is continuously outside the Americas for longer than 90 days, that period of time and the next 90 days thereafter shall be disregarded in determining under this part the amount of any credit or refund (including interest) or in respect of any liability for taxes, interests or penalties of that individual whether any of the following acts were performed within the time prescribed:

(a) Filing any return of income tax (except income tax withheld at source);

(b) Payment of any income tax (except income tax withheld at source);

(c) Filing an appeal with the State Board of Equalization;

(d) Allowance of a credit or refund of any tax;

(e) Filing a claim for credit or refund of any tax;

(f) Bringing a suit upon any such claim for credit or refund;

(g) Assessment of any tax;

(h) Giving or making any notice or demand, for the payment of any tax, or with respect to any liability in respect of any tax;

(i) Collection, by the Franchise Tax Board or the collector, by distraint or otherwise, of the amount of any liability in respect of any tax;

(j) Bringing suit by the State of California, or any officer on its behalf, in respect of any liability in respect of any tax; and

(k) Any other act required or permitted under this part.

18473. **Extensions, Fiduciary, Person Secondarily Liable, and in Case of Jeopardy Assessment.** Notwithstanding the provisions of Section 18470, any action or proceeding authorized by Article 4, of Chapter 18 (regardless of the taxable year for which the tax arose), Article 4 of Chapter 19, Sections 18621 and 18622, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted.

18474. **Extensions, Not Applicable Where Collection Jeopardized; Computation of Interest.** In any other case in which the Franchise Tax Board determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of Section 18470 shall not operate to stay collection of that amount by distraint or otherwise as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this section the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under this article.

18475. **Notices, in Cases Where No Mail Delivery.** In any case to which Sections 18473 and 18474 relate, if the Franchise Tax Board is required to give any notice to or make any demand upon any person, that requirement shall be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the Franchise Tax Board is in an area for which United States post offices under instructions of the Postmaster General are not, by reason of the war, accepting mail for delivery at the time the notice or demand

is signed. In that case the notice or demand shall be deemed to have been given or made upon the date it is signed.

18476. **Extensions, Not Granted Unless Franchise Tax Board Aware of Right to Extension.** The assessment or collection of any tax or of any liability under this part, or any action in connection therewith, may be made, taken, begun, or prosecuted in accordance with law, without regard to the provisions of Section 18470, unless prior to such assessment, collection, action, or proceeding it is ascertained that the person concerned is entitled to the benefits of that section.

18477. **Extensions, Not Applicable Where Statute Has Run.** This article shall not operate to extend the time for performing any act specified in Section 18470(g), (h), (i) or (j) if such time under the law in force prior to April 8, 1953, expired prior to that date.

18478. **Extensions, Definitions and Termination.** (a) The term "Americas" means North, Central and South America (including the West Indies but not Greenland), and the Hawaiian Islands.

(b) For the purpose of determining whether any act specified in Section 18470 (g), (h), (i) or (j) was performed within the time prescribed therefor, if any period of time is disregarded under this article by reason of any individual being outside the Americas or within an area of enemy action or control, that individual shall not, if he returns to the Americas or leaves the area after the date of enactment of this article, be deemed to have returned to the Americas or ceased to be within that area before the date upon which the Franchise Tax Board receives from that individual a notice thereof in such form as the Franchise Tax Board shall by regulations prescribe. A similar rule shall be applied in the case of a member of the military or naval forces of the United States with respect to whom a period of time is disregarded under this article by reason of being outside the states of the Union and the District of Columbia.

Chapter 18. Payments and Assessments

Article 1. Payment of Tax

18551. **Tax, When Payable.** The tax imposed under this part shall be paid on the fifteenth day of April following the close of the calendar year, or, if the return is made on the basis of a fiscal year, on the fifteenth day of the fourth month following the close of the fiscal year.

18552. **Installment Payments, Election.** On or before the date prescribed for the payment of the tax the taxpayer may elect to pay the tax in three equal installments. The first installment shall be paid on the date prescribed for the payment of the tax, the second installment shall be paid on the fifteenth day of the fourth month, and the third installment on the fifteenth day of the eighth month, after that date. Notwithstanding the provisions of this section, if the amount paid on or before the due date of the first installment is less than the tax as corrected in accordance with the provisions of Section 18601, the taxpayer shall be deemed to have elected to pay the tax in three equal installments in the manner provided herein. If any installment is not paid on or before the date fixed for its payment, the whole amount of tax unpaid shall be paid upon notice and demand from the Franchise Tax Board.

18553. **Installment Payments, May Be Paid in Advance.** The taxpayer may elect to pay the tax or any installment prior to the date prescribed for its payment.

18554. **Tax, Where Payable.** The tax, and any interest and penalties, shall be paid to the Franchise Tax Board. Remittances may be in the form of a check, payable to the Franchise Tax Board, during such time and under such regulations as the Franchise Tax Board may prescribe. If a check is not paid by the bank on which it is drawn, the taxpayer tendering the check remains liable for the payment of the tax, and all interest and penalties, as if he had not tendered the check.

18555. **Husband and Wife, Liability for Tax.** The spouse who controls the disposition of or who receives or spends community income as well as the spouse who is taxable on such income is liable for the payment of the taxes imposed by this part on such income. Where a joint return is filed by a husband and wife, the liability for the tax on the aggregate income is joint and several.

Article 2. Deficiency Assessments

18581. **Deficiency Assessment, When Franchise Tax Board May Issue.** The Franchise Tax Board may proceed under this article or Article 4 whether or not it requires a return as an amended return under Article 3 of Chapter 17.

18582. **Return, Examination by Franchise Tax Board.** As soon as practicable after the return is filed, the Franchise Tax Board shall examine it and shall determine the correct amount of the tax.

18583. **Notice of Additional Assessment.** If the Franchise Tax Board determines that the tax disclosed by the original return is less than the tax disclosed by its examination, it shall mail notice or notices to the taxpayer of the deficiency proposed to be assessed.

18584. **Notice, Form.** Each notice shall set forth the reasons for the proposed additional assessment and the computation thereof.

18585. **Notice, Joint Returns.** In the case of a joint return filed by husband and wife, the notice of deficiency may be a single joint notice, except that if the Franchise Tax Board is notified by either spouse that separate residences have been established, it shall mail to each spouse, in lieu of the single joint notice, duplicate originals of the joint notice.

18586. **Proposed Assessments, Statute of Limitations.** Except in the case of a fraudulent return and except as otherwise provided in Sections 18587, 18586.1 and 18589, every notice of a proposed deficiency assessment shall be mailed to the taxpayer within four years after the return was filed No deficiency shall be assessed or collected with respect to the year for which the return was filed unless the notice is mailed within the four-year period or the period otherwise fixed.

18586.1. **Proposed Assessment, Omission of More Than 25 Percent of Income.** If the taxpayer omits from gross income an amount properly includible therein which is in excess of 25 percent of the amount of gross income stated in the return, a notice of a proposed deficiency assessment may be mailed to the taxpayer within six years after the return was filed.

18586.2. **Failure to Report Federal Adjustments, Statute of Limitations.** If a taxpayer shall fail to report a change or correction by the Commissioner of Internal Revenue or other officer of the United States or other competent authority or shall fail to file an amended return as required by Section 18451, any deficiency resulting from such adjustments may be assessed and collected within four years after said change, correction or amended return is reported to or filed with the Federal Government.

18586.3. **Federal Adjustments, Statute of Limitations.** If a taxpayer is required to report a change or correction by the Commissioner of Internal Revenue or other officer of the United States or other competent authority or to file an amended return as required by Section 18451 and does report such change or files such return, any deficiency resulting from such adjustments may be assessed within six months from the date when such notice or amended return is filed with the Franchise Tax Board by the taxpayer, or within the period provided in Sections 18586 and 18586.1, whichever period expires the later.

18586.4. **Sale of Residence, Statute of Limitations.** In the case of a deficiency described in Section 18100, such deficiency may be assessed at any time prior to the expiration of the time therein provided.

18586.5. **Involuntary Conversion, Statute of Limitations.** In case of a deficiency described in Sections 18085 and 18086, such deficiency may be assessed at any time prior to the expiration of the time therein provided.

18587. **Proposed Assessment, Limitation Where Federal Waiver.** If any taxpayer agrees with the United States Commissioner of Internal Revenue for an extension or renewals thereof of the period for proposing and assessing deficiencies in federal income taxes for any year, the period for mailing a notice of a proposed deficiency shall be four years after the return was filed or six months after the date of the expiration of the agreed period for assessing deficiencies in the federal income tax, whichever period expires the later.

18588. **Returns, When Deemed Filed.** For the purposes of Sections 18586, 18586.1 and 18587 a return filed before the last day prescribed by law for filing shall be considered as filed on that day.

18589. **Waiver of Statute of Limitations.** Where before the expiration of the time prescribed for the mailing of a notice of a proposed deficiency assessment, the taxpayer consents in writing to an assessment after that time, the assessment may be made at any time prior to the expiration of the period agreed upon. The period agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

18590. **Protest, When and How to Be Filed.** Within 60 days after the mailing of each notice of additional tax proposed to be assessed the taxpayer may file with the Franchise Tax Board a written protest against the proposed additional tax, specifying in the protest the grounds upon which it is based.

18591. **Proposed Assessments, When Final.** If no protest is filed, the amount of the deficiency assessed becomes final upon the expiration of the 60-day period.

18592. **Protest, Action and Hearing.** If a protest is filed, the Franchise Tax Board shall reconsider the assessment of the deficiency and, if the taxpayer has so requested in his protest, shall grant the taxpayer or his authorized representatives an oral hearing.

18593. **Appeal to Board, When.** The Franchise Tax Board's action upon the protest is final upon the expiration of 30 days from the date when it mails notice of its action to the taxpayer, unless within that 30-day period the taxpayer appeals in writing from the action of the Franchise Tax Board to the board.

18594. **Appeal to Board, Filing.** The appeal shall be addressed and mailed to the State Board of Equalization at Sacramento, California, and a copy of the appeal addressed and mailed at the same time to the Franchise Tax Board at Sacramento, California.

18595. **Appeal, Action by Board.** The board shall hear and determine the appeal and thereafter shall forthwith notify the taxpayer and the Franchise Tax Board of its determination and the reasons therefor.

18596. **Board's Opinion, Finality.** The board's determination becomes final upon the expiration of 30 days from the time of the determination unless within the 30-day period the taxpayer or the Franchise Tax Board files a petition for rehearing with the board. In that event the determination becomes final upon the expiration of 30 days from the time the board issues its opinion on the petition.

18597. **Notice of Deficiency, Due Date.** When a deficiency is determined and the assessment becomes final, the Franchise Tax Board shall mail notice and demand to the taxpayer for the payment thereof. The deficiency assessed is due and payable at the expiration of 10 days from the date of the notice and demand, unless the taxpayer has elected to pay the tax in installments, in which case the deficiency shall be prorated to the three installments.

18598. **Deficiency, Installment Payments.** Except where a jeopardy assessment is made, the part of the deficiency prorated to any installment the date for payment of which has not arrived shall be collected at the same time as, and as part of, the installment.

18599. **Deficiency Payments, Delinquency Installments.** The part of the deficiency prorated to any installment the date for payment of which has arrived is due and payable at the expiration of 10 days from the date of the notice.

18600. **Certificate, Prima Facie Evidence.** A certificate by the Franchise Tax Board or of the board, as the case may be, of the mailing of the notices specified in this article in prima facie evidence of the assessment of the deficiency and of the giving of the notices.

18601. **Mathematical Error, Collection of Tax Due Thereon.** Any amount of tax in excess of that disclosed by the return, due to a mathematical error, notice of which has been mailed to the taxpayer, is not a deficiency assessment. The taxpayer has not right of protest or appeal as in case of a deficiency assessment, based on such notice, and the assessment or collection of the amount of tax erroneously omitted in the return is not prohibited by any provision of this article.

Article 3. Assessments Against Persons Secondarily Liable

18621. **Secondary Liability, How and When Assessed.** The taxes imposed by this part upon any taxpayer for which any person other than the taxpayer is liable may be assessed against such person in the manner provided for the assessment of deficiencies. The taxes may be assessed at any time within which deficiency assessments may be made against the taxpayer.

18622. **Secondary Liability, Collection as If Primary Obligation.** The provisions of this part respecting the collection of taxes apply to the collection of the taxes from the person secondarily liable to the same extent and with the same force and effect as though he were the taxpayer.

Article 4. Jeopardy Assessments

18641. **Jeopardy Assessments, Filing and Notice.** If the Franchise Tax Board finds that the assessment or the collection of a tax or a deficiency for any year, current or past, will be jeopardized in whole or in part by delay, it may mail or issue notice of its finding to the taxpayer, together with a demand for immediate payment of the tax or the deficiency declared to be in jeopardy, including interest and penalties and additions thereto.

18642. **Jeopardy Assessments, Current Period.** In the case of a tax for a current period, the Franchise Tax Board may declare the taxable period of the taxpayer immediately terminated. It shall mail or issue notice of its finding and declaration to the taxpayer, together with a demand for a return and immediate payment of the tax based on the period declared terminated, including therein income accrued and deductions incurred up to the date of termination if not otherwise properly includible or deductible in respect of the period.

18643. **Jeopardy Assessments, Collection.** A jeopardy assessment is immediately due and payable, and proceedings for collection may be commenced at once. The taxpayer, however, may stay collection and prevent the jeopardy assessment from becoming final by filing, within 10 days after the date of mailing or issuing the notice of jeopardy assessment, a petition for reassessment, accompanied by a bond or other security in such amount as the Franchise Tax Board may deem necessary, not exceeding double the amount (including interest and penalties and additions thereto) as to which the stay is desired.

18644. **Jeopardy Assessments, When Final.** If a petition for reassessment, accompanied by bond or other security, is not filed within the 10-day period, the assessment becomes final.

18645. **Jeopardy Assessments.** If a petition for reassessment, accompanied by bond or other security, is filed within the 10-day period, the Franchise Tax Board shall reconsider the assessment and, if the taxpayer has so requested in his petition, the Franchise Tax Board shall grant him or his authorized representative an oral hearing. The Franchise Tax Board's action upon the petition for reassessment is final upon the expiration of 30 days from the date when it mails notice of its action to the taxpayer, unless within that 30-day period the taxpayer appeals in writing from the action of the Franchise Tax Board to the board.

18646. **Jeopardy Assessments, Appeal.** The taxpayer may appeal to the board from the Franchise Tax Board's action on the petition for reassessment, the appeal to be made in the manner prescribed by Section 18594. The provisions of Article 2 of Chapter 18 relating to an appeal from the action of the Franchise Tax Board on a protest against an additional tax proposed to be assessed shall be applicable to the appeal.

18647. **Jeopardy Assessments, Presumptive Evidence of Jeopardy.** In any proceeding brought to enforce payment of taxes made due and payable by this article, the finding of the Franchise Tax Board under Section 18641, whether made after notice to the taxpayer or not, is for all purposes presumptive evidence that the assessment or collection of the tax or the deficiency was in jeopardy. A certificate of the Franchise Tax Board of the mailing or issuing of the notices specified in this article is presumptive evidence that the notices were mailed or issued.

18648. **Collection of Tax, Where No or False Return.** (a) If any taxpayer fails to file a return, or files a false or fraudulent return with intent to evade the tax, for any taxable year, the Franchise Tax Board, at any time, may require a return or an amended return under penalties of perjury or may make an estimate of the net income, from any available information, and may propose to assess the amount of tax, interest, and penalties due under this law. All the provisions of this part relative to delinquent taxes shall be applicable to the tax, interest, and penalties due under this law.

(b) When any assessment is proposed under the preceding paragraph, the taxpayer shall have the right to protest the same and to have an oral hearing thereon if requested, and also to appeal to the board from the Franchise Tax Board's action on the protest; the taxpayer must proceed in the manner and within the time prescribed by Sections 18590 to 18596, inclusive.

18649. **Bankruptcy or Receivership, Immediate Assessment.** Upon the adjudication of bankruptcy of any taxpayer in any bankruptcy proceeding or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or of any state or territory or of the District of Columbia, any deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) determined by the Franchise Tax Board in respect of a tax imposed by this part upon the taxpayer may be immediately assessed.

18650. **Bankruptcy, Notice to Franchise Tax Board.** The trustee in bankruptcy or receiver shall give notice in writing to the Franchise Tax Board of the adjudication of bankruptcy or the appointment of the receiver. The running of the statute of limitations on the making of assessments shall be suspended for the period from the date of adjudication in bankruptcy or the appointment of the receiver to a date 30 days after the date upon which the notice from the trustee or receiver is received by the Franchise Tax Board; but in no case shall the suspension be for a period in excess of two years.

18651. **Bankruptcy, Claim for Tax and Effect on Board of Appeals.** Claims for the deficiency and such interest, additional amounts and additions to the tax may be presented, for adjudication in accordance

with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of proceedings for the redetermination of the deficiency pursuant to a petition to the board. No petition for a redetermination may be filed with the board after the adjudication of bankruptcy or the appointment of the receiver.

18652. **Bankruptcy Proceedings, Collection After.** Upon notice and demand from the Franchise Tax Board after termination of the bankruptcy or receivership proceeding, the taxpayer shall pay any portion of the claim allowed in the proceeding which is unpaid. The unpaid amount may be collected in the manner provided in this part for the collection of delinquent taxes at any time within six years after termination of the proceeding.

18653. **Jeopardy Assessment, Rules and Regulations.** The Franchise Tax Board may prescribe rules and regulations necessary properly to carry out the provisions of this article.

Article 5. Interest and Penalties

18681. **Failure to File Return, Penalty.** If any taxpayer fails to make and file a return required by this part on or before the due date of the return or the due date as extended by the Franchise Tax Board, then, unless it is shown that the failure is due to reasonable cause and not due to wilful neglect, 5 percent of the tax shall be added to the tax for each 30 days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed 25 percent of the tax. The penalty so added to the tax shall be due and payable upon notice and demand from the Franchise Tax Board.

18682. **Failure to File Return, Penalty Where Demand Made.** If any taxpayer, upon notice and demand by the Franchise Tax Board, fails or refuses to make and file a return required by this part, the Franchise Tax Board, notwithstanding the provisions of Section 18648, may estimate the net income and compute and levy the amounts of the tax due from any available information. In such case 25 percent of the tax, in addition to the penalty added under Section 18681, shall be added to the tax and shall be due and payable upon notice and demand from the Franchise Tax Board.

18683. **Failure to Furnish Information Requested, Penalty.** If any taxpayer fails or refuses to furnish any information requested in writing by the Franchise Tax Board, the Franchise Tax Board may add a penalty of 25 percent of the amount of any deficiency tax assessed by the Franchise Tax Board concerning the assessment of which the information was required.

18684. **Negligence, Penalty.** If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, 5 percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this article, shall be assessed, collected, and paid in the same manner as if it were a deficiency.

18685. **Fraud, Penalty.** If any part of any deficiency is due to fraud with intent to evade tax, 50 percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in

this article, shall be assessed, collected, and paid in the same manner as if it were a deficiency.

18686. **Rate of Interest.** If the tax imposed by this part, whether assessed by the Franchise Tax Board or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the unpaid amount at the rate of 6 percent per year from the date prescribed for its payment until it is paid.

18687. **Extension of Time for Payment, Interest.** If the time for the payment of the tax or any installment thereof is extended, there shall be collected, as part of such tax, interest thereon at the rate of 6 per centum per year from the date upon which such payment should have been made if no extension had been granted until the date the tax is paid.

18688. **Deficiency Assessments, Interest.** Interest upon the amount assessed as a deficiency shall be assessed and paid at the same time as the deficiency at the rate of 6 percent per year from the date prescribed for the payment of the tax (or, if the tax is paid in installments, from the date prescribed for the payment of the first installment) to the date the deficiency is assessed. If any portion of the deficiency is paid prior to the date it is assessed, interest shall accrue on such portion only to the date paid.

18689. **Interest, Computed Where Not Paid Upon Demand.** Except in the case of a jeopardy assessment, collection of which has been stayed by the posting of a bond, where a deficiency, or any interest or penalty imposed in connection therewith under Sections 18681, 18684, 18685, and 18688, or any penalty in case of delinquency provided for in Sections 18681, 18682, and 18683, is not paid in full within 10 days from the date of notice and demand from the Franchise Tax Board, there shall be collected as a part of the tax, interest upon the unpaid amount at the rate of 6 percent per year from the date of the notice and demand until it is paid. If any part of the amount prorated to any unpaid installment is not paid in full on or before the date prescribed for the payment of the installment, there shall be collected as a part of the tax, interest upon the unpaid amount at the rate of 6 percent per year from the date prescribed for payment of the installment until the date the tax is paid.

18690. **Spouse's Overpayment Credited Against Other Spouse's Deficiency, Interest.** Where an overpayment is made by any taxpayer for any year, and a deficiency is owing from the husband or wife of the taxpayer for the same year, and both husband and wife notify the Franchise Tax Board in writing prior to the expiration of the time within which credit for the overpayment may be allowed that the overpayment may be credited against the deficiency, no interest shall be assessed on such portion of the deficiency as is extinguished by the credit for the period of time subsequent to the date the overpayment was made.

18691. **Overpayment and Underpayment Due to Same Item, Interest.** (a) Where an overpayment is made by any taxpayer for any year, and a deficiency is owing from the same taxpayer for any other year, the overpayment, if the period within which credit for the over-

payment may be allowed has not expired, shall be credited on the deficiency, if the period within which assessment of the deficiency may be proposed has not expired, and the balance, if any, shall be credited or refunded to the taxpayer. No interest shall be assessed on such portion of the deficiency as is extinguished by the credit for the period of time subsequent to the date the overpayment was made.

(b) For the purposes of this section the returns of a decedent and his estate shall be considered returns of the same taxpayer and the returns for the decedent and his estate filed for the year of death shall be considered returns for different taxable years.

(c) This section is not intended, nor shall it be construed, as a limitation on the Franchise Tax Board's right to offset or recoup barred assessments against overpayments.

18691.1. **Interest, Computed Where Related Items or Related Taxpayers.** (a) When the correction of an erroneous inclusion or deduction of an item or items in the computation of income of a trust, estate, parent or husband for any year results in an overpayment for such year by said trust, estate, parent or husband, and also results in a deficiency for the same year for a grantor of such trust or beneficiary of such estate or trust, or child of such parent, or spouse of such child, or the wife of said husband, the overpayment, if the period within which credit for the overpayment may be allowed has not expired, shall be credited on the deficiency, if the period within which the deficiency may be proposed has not expired, and the balance, if any, shall be credited or refunded. No interest shall be assessed on such portion of the deficiency as is extinguished by the credit for the period of time subsequent to the date the overpayment was made.

(b) When the correction of an erroneous inclusion or deduction of an item or items in the computation of income of a grantor of a trust, beneficiary of an estate or trust, a child, or spouse of such child, or a wife for any year results in an overpayment for such year by said grantor, beneficiary, child or wife, and also results in a deficiency for the same year for the grantor's or beneficiary's trust, the beneficiary's estate, the child's parent, or spouse of such child, or the wife's husband, the overpayment, if the period within which credit for the overpayment may be allowed has not expired, shall be credited on the deficiency, if the period within which the deficiency may be proposed has not expired, and the balance, if any, shall be credited or refunded. No interest shall be assessed on such portion of the deficiency as is extinguished by the credit for the period of time subsequent to the date the overpayment was made.

(c) Paragraphs (a) and (b) are not intended, nor shall they be construed as a limitation on the Franchise Tax Board's right to offset or recoup barred assessments against overpayments.

Chapter 19. Collection of Tax

Article 1. Information at Source; Withholding Tax

18801. **Information at Source and Withholding, None on Exempt Interest.** This article does not apply to the payment of interest obligations not taxable under this part.

18802. **Information Returns, General.** Every individual, partnership, corporation, joint stock company or association, insurance company, business trust, or so-called Massachusetts trust, being a resident or having a place of business in this State, in whatever capacity acting, including lessees or mortagors of real or personal property, fiduciaries, employers, and all officers and employees of this State or any political subdivision of this State, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the State, having the control, receipt, custody, disposal, or payment of interest (other than interest coupons payable to bearer), dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income amounting to one thousand dollars ($1,000) or over, paid or payable during any year to any taxpayer, shall make a complete return to the Franchise Tax Board, which shall contain or be verified by a written declaration that it is made under the penalties of perjury, under such regulations and in such form and manner and to such extent as may be prescribed by it.

18802.1. **Information Returns, Cooperatives.** Any corporation allocating amounts as patronage dividends, rebates, or refunds (whether in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the amount of such dividend, refund, or rebate) shall render a correct return, which shall contain or be verified by a written declaration that it is made under the penalties of perjury, stating (A) the name and address of each patron to whom it has made such allocations amounting to one hundred dollars ($100) or more during the calendar year, and (B) the amount of such allocations to each patron. If required by the Franchise Tax Board, any such corporation shall render a correct return, which shall contain or be verified by a written declaration that it is under penalties of perjury, of all patronage dividends, rebates, or refunds made during the calendar year to its patrons. This section shall not apply in the case of any corporation exempt from tax under Article 1 of Chapter 4 of the Bank and Corporation Tax Law.

18803. **Information Returns, on Income From Securities.** Such a return may be required, regardless of amounts, in the case of

(a) Payments of interest upon bonds, mortgages, deeds of trust, or other similar obligations of corporations.

(b) Dividends paid by corporations.

(c) Collections of items (not payable in the United States) of interest upon the bonds of foreign counties and interest upon the bonds of and dividends from corporations created or organized in a foreign country by persons undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

18804. **Information at Source and Withholding, Agent Entitled to Address of Recipient.** When necessary to make effective the provisions of this article, the name and address of the recipient of income shall be furnished upon demand of the person paying the income.

18805. **Withholding of Tax, General.** The Franchise Tax Board may, by regulation, require any person, including any officer or department of the State or any political subdivision or agency of the State, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the State, to withhold from payments of interest (other than interest coupons payable to bearer), dividends, rent, prizes, winnings, and compensation for personal services, including bonuses, an amount equal to the tax that would be imposed by this part upon such payments if they, together with all similar payments since the beginning of the calendar year, represented net income and the only net income of the payee, and to transmit the amount withheld to the Franchise Tax Board at such time as it may designate.

18806. **Liability for Failure to Withhold.** Any person who fails to withhold from any payments and transmit to the Franchise Tax Board any amount required by the Franchise Tax Board pursuant to Section 18805 to be withheld and transmitted is liable for any taxes due from the taxpayer to whom the payments are made for the year in which made to an extent not in excess of the amount required to be withheld, unless it is shown that the failure is due to reasonable cause.

18807. **Notice to Withhold, How Served.** The Franchise Tax Board may by notice, served personally or by registered mail, require any person and any officer or department of the State or any political subdivision or agency of the State, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the State, having in their possession, or under their control, any credits or other personal property or other things of value, belonging to a taxpayer, to withhold, from such credits or other personal property or other things of value, belonging to a taxpayer, the amount of any tax, interest or penalties due from the taxpayer under this part and to transmit the amount withheld to the Franchise Tax Board at such times as it may designate.

18808. **Failure to Withhold, Liability.** Any person failing to withhold the amount due from any taxpayer and to transmit the same to the Franchise Tax Board after service of a notice pursuant to Section 18807 is liable for such amounts.

18809. **Withholding Agent, Must Pay Without Resorting to Action.** Any person required to withhold and transmit any amount pursuant to this article shall comply with the requirement without resort to any legal or equitable action in a court of law or equity. Any person paying to the Franchise Tax Board any amount required by it to be withheld is not liable therefor to the person from whom withheld unless the amount withheld is refunded to the withholding agent.

18810. **Withholding Tax, Refund Therefor.** Any taxpayer from whom a tax is collected by withholding under this article is entitled to the remedies set forth in Articles 1 and 2 of Chapter 20 of this part. But a refund of the tax under Article 1 of Chapter 20 shall be made to the withholding agent instead of directly to the taxpayer, if requested in writing by the withholding agent at the time the amounts refundable were transmitted to the Franchise Tax Board.

18811. **Notice to State Agencies.** Whenever, under any provision of this article, service is authorized upon the State of any notice to

withhold, unless expressly exempted from the provisions of this section, such service to be effective must, in addition to any other requirements, be made on the state agency owing the obligation prior to the time such agency presents the claim for payment thereof to the State Controller.

Article 2. Suit for Tax

18831. **Action to Recover Tax.** The Franchise Tax Board may, within six years after the determination of liability for any tax, penalties, and interest, or any installment thereof, bring an action in a court of competent jurisdiction in the name of the people of the State of California to recover the amount of any taxes, penalties, and interest due and unpaid under this part.

18832. **Suits, Who Prosecutes and Where.** The Attorney General or the counsel for the Franchise Tax Board shall prosecute the action. The action shall be tried in the County of Sacramento unless the court with the consent of the prosecutor orders a change of place of trial.

18833. **Suits, Writ of Attachment.** In the action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of the attachment is required.

18834. **Suits, Effect of Certificate by Franchise Tax Board.** In the action a certificate by the Franchise Tax Board showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency, and of the compliance by the Franchise Tax Board and the board with all the provisions of this part in relation to the computation and levy of the tax.

18835. **Action, Outside of California.** The Franchise Tax Board may bring an appropriate action, whether in the form of a common law action of debt or indebitatus assumpsit or a code or other action, in any court of competent jurisdiction in the United States or in a foreign country, in the name of the people of the State of California, to recover the amount of any taxes and interest due under this part. The Attorney General or the counsel for the Franchise Tax Board shall prosecute the action.

Article 3. Judgment for Tax

18861. **Actions, Generally.** If any tax, interest, or penalty imposed under this part is not paid when due, the Franchise Tax Board may file in the Office of the County Clerk of Sacramento County, or any other county, a certificate specifying the amount of the tax, penalty, and interest due, the name and last known address of the taxpayer liable for the amount due, and the fact that the Franchise Tax Board has complied with all provisions of this part in the computation and levy of the tax, and a request that judgment be entered against the taxpayer in the amount of the tax, penalty, and interest set forth in the certificate.

18862. **Actions, Judgment After Certificate.** The county clerk immediately upon the filing of the certificate shall enter a judgment for the people of the State of California against the taxpayer in the amount of the tax, penalty, and interest set forth in the certificate. The county clerk may file the judgment in a loose-leaf book entitled "Personal Income Tax Judgments."

18863. **Abstract Becomes Lien.** An abstract or a copy of the judgment may be recorded with the county recorder of any county. From the time of the recording, the amount of the tax, penalty, and interest set forth constitutes a lien upon all property of the taxpayer in the county, owned by him or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and continues for five years from the date of the recording unless sooner released or otherwise discharged.

18864. **Lien, Extension.** Within five years from the date of the recording or within five years from the date of the last extension of the lien in the manner provided in this section, the lien may be extended by recording in the office of the county recorder of any county an abstract or copy of the judgment. From the time of the recording the lien extends to the property in the county for five years unless sooner released or otherwise discharged.

18865. **Execution.** Execution shall issue upon the judgment upon request of the Franchise Tax Board in the same manner as execution may issue upon other judgments, and sales shall be held under such execution as prescribed in the Code of Civil Procedure.

Article 4 Lien of Tax

18881. **Certificate, Filing.** If any tax, interest, or penalty imposed under this part is not paid when due, the Franchise Tax Board may file in the office of any county recorder a certificate specifying the amount of the tax, interest, and penalty due, the name and last known address of the taxpayer liable for the amount, and the fact that the Franchise Tax Board has complied with all provisions of this part in the computation and levy of the tax.

18882. **Certificate, Creation of Lien.** From the time of the filing for recording the amount of the tax, interest, and penalty set forth constitutes a lien upon all property of the taxpayer in the county, owned by him or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and continues for five years from the date of the recording unless sooner released or otherwise discharged.

18883. **Certificate, Extension of Lien.** Within five years from the date of the recording or within five years from the date of the last extension of the lien in the manner provided in this section, the lien may be extended by recording in the office of the county recorder of any county a new certificate. From the time of the recording the lien extends to the property in the county for five years unless sooner released or otherwise discharged.

18884. **Release of Lien, When.** The Franchise Tax Board may, at any time, release all or any portion of the property subject to any lien provided for in this part from the lien or subordinate the lien to other liens if it determines that the taxes are sufficiently secured by a lien on other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of the taxes.

18885. **Release or Subordination of Lien, Conclusive Evidence.** A certificate by the Franchise Tax Board to the effect that any property

has been released from a lien or that the lien has been subordinated to other liens shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in the certificate.

18886. **Trusts, Lien for Tax on Trust Income.** Upon recordation of an abstract of judgment or a copy thereof by the Franchise Tax Board with the county recorder of any county for any taxes due from the grantor of a trust on income of the trust which is taxable to the grantor under this part, and upon its giving notice of the recording to the fiduciary of the trust, or in case there is more than one fiduciary to any one of the fiduciaries, the amount of the taxes constitutes a lien upon all property of the trust in the county owned by the trust or afterwards and before the lien expires acquired by the trust. The lien has the force, effect, and priority of a judgment lien.

18887. **Lien, Notice, Service.** The notice required to be given by Section 18886 may be served upon the fiduciary personally, or by mail; if by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the fiduciary at his address as it appears in the records of the Franchise Tax Board.

Article 5. Warrant for Collection of Tax

18906. **Franchise Tax Board May Issue Warrant.** The Franchise Tax Board or its authorized representative may issue a warrant for the collection of any tax, interest, or penalty and for the enforcement of any lien.

18907. **Form, Effect, and Levy.** The warrant shall be directed to any sheriff, constable, or marshal and shall have the same force and effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same force and effect as a levy of any sale pursuant to a writ of execution

18908. **Fees Payable to Sheriff.** The Franchise Tax Board shall pay or advance to the sheriff, constable, or marshal, the same fees, commissions, and expenses as are provided by law for similar services pursuant to a writ of execution. The Franchise Tax Board, and not the court, shall approve the fees for publication in a newspaper.

18909 **Fees Collectible From Taxpayer.** The fees, commissions, and expenses are an obligation of the taxpayer and may be collected from him by virtue of the warrant or in any other manner provided in this part for the collection of a tax.

Article 6. Miscellaneous Provisions

18931. **Remedies, Cumulative.** The remedies of the State provided for in this chapter are cumulative, and no action taken by the Franchise Tax Board constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this part.

18932. **Franchise Tax Board to Act for State.** In all proceedings under this chapter the Franchise Tax Board may act on behalf of the people of the State of California.

18933. **Priority of Tax.** The amounts required to be paid by any person under this part together with interest and penalties shall be satisfied first in any of the following cases:

(a) Whenever the person is insolvent.

(b) Whenever the person makes a voluntary assignment of his assets.

(c) Whenever the estate of the person in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased.

(d) Whenever the estate and effects of an absconding, concealed, or absent person required to pay any amount under this part are levied upon by process of law.

This section does not give the State a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien.

The preference given to the State by this section shall be subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure.

Chapter 20. Overpayments and Refunds

Article 1. Claim for Refund

19051. **Refund, When.** If the Franchise Tax Board or the board, as the case may be, believes that there has been an overpayment of tax, penalty, or interest by a taxpayer for any year for any reason, the amount of the overpayment shall be credited against any taxes then due from the taxpayer under this part and the balance refunded to the taxpayer.

19052. **Refund, Approval by Board of Control.** No credit or refund shall be allowed or made until approved by the State Board of Control.

19053. **Refund Claim, When to Be Filed.** No credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of the overpayment, whichever period expires the later, unless before the expiration of the period a claim therefor is filed by the taxpayer, or unless before the expiration of the period the Franchise Tax Board certifies the overpayment to the State Board of Control for approval of the refunding or the crediting thereof.

19053.3. **Refund Claim, Effect of Extension Agreements.** The period within which a claim for credit or refund may be filed, or credit or refund allowed or made if no claim is filed, shall be the period within which the Franchise Tax Board may make an assessment under the same circumstances, if:

(a) The taxpayer has, within the period prescribed in the preceding sentence, agreed in writing, under the provisions of Article 2 of Chapter 11, to extend the time within which the Franchise Tax Board may propose an additional assessment, or

(b) The taxpayer has agreed with the United States Commissioner of Internal Revenue for an extension (or renewal thereof) of the period

for proposing and assessing deficiencies in federal income tax for any year.

19053.5. **Extended Period, When Applicable.** The provisions of Section 19053 shall apply to any claim filed, or credit or refund allowed or made, before the execution of an agreement pursuant to Section 19053.3.

19053.7. **Refund Claim, Seven-year Period in Connection With Bad Debts, Etc.** Insofar as the claim for credit or refund relates to an overpayment on account of the deductibility, under Section 17207, of a debt as one which became worthless, or a loss from worthlessness of a security under Section 17206, or Section 17207, or an erroneous inclusion of an amount attributable to the recovery of a bad debt, prior tax or delinquency amount, under Sections 17144 and 17145 due to an adjustment of a bad debt deduction under Section 17207, or a loss deduction from worthlessness of a security under Section 17206, or, in lieu of the period of limitations prescribed in Section 19053, the period shall be seven years from the date prescribed by law for filing the return for the year with respect to which the claim is made.

19053.9. **Offset of Barred Overpayments.** Notwithstanding any statute of limitations provided in this part, any overpayment due a taxpayer for any year which results from a transfer of items of income or deductions or both to or from another year for the same taxpayer, or for the same year for a related taxpayer described in Section 18691.1, shall be allowed as an offset in computing any deficiency in tax for any other year resulting from the transfer of such income or deductions or both, but no refund shall be allowed unless the overpayment is certified to the State Board of Control, or a claim for refund is filed within the time otherwise provided for in this part.

The offset provided herein, however, shall not be allowed after the expiration of seven years from the due date of the return on which the overpayment is determined.

19054. **Refund Claim, Effect of Denial.** A refund claim upon which action has become final shall not thereafter be considered a refund claim within the meaning of the Section 19053 except to the extent it has been allowed.

19055. **Refund Claim, Form.** Every claim for refund shall be in writing and shall state the specific grounds upon which it is founded.

19056. **Refund Claim, Notice of Denial.** If the Franchise Tax Board disallows any claim for refund, it shall notify the taxpayer accordingly.

19057. **Refund Claim, Finality of Action.** At the expiration of 90 days from the mailing of the notice, the Franchise Tax Board's action upon the claim is final unless within the 90-day period the taxpayer appeals in writing from the action of the Franchise Tax Board to the board.

19058. **Refund Claim, May Be Deemed Disallowed After Six Months.** If the Franchise Tax Board fails to mail notice of action on any refund claim within six months after the claim is filed, the taxpayer may prior to mailing of notice of action on the refund claim consider the claim disallowed and appeal to the board.

19059. **Appeal to Board, Form and Mailing.** Appeals shall be addressed and mailed to the State Board of Equalization at Sacramento, California, and a copy of the appeal addressed and mailed at the same time to the Franchise Tax Board at Sacramento, California.

19060. **Appeal to Board, Action.** The board shall hear and determine the appeal and thereafter shall forthwith notify the taxpayer and the Franchise Tax Board of its determination.

19061. **Appeal to Board, Finality of Action.** The determination is final upon the expiration of 30 days from the date of the determination unless within the 30-day period, the taxpayer or Franchise Tax Board files a petition for rehearing with the board. In that event the determination becomes final upon the expiration of 30 days from the date the board issues its opinion on the petition.

19061.1. **Effect of Payment of Tax After Protest or Appeal to Board.** If, with or after the filing of a protest or an appeal to the State Board of Equalization pursuant to Article 2 of Chapter 18, a taxpayer pays the tax protested, before the Franchise Tax Board acts upon the protest, or the board upon the appeal, the Franchise Tax Board or board shall treat the protest or the appeal as a claim for refund or an appeal from the denial of a claim for refund filed under this section

19062. **Refund Claims, Interest.** Interest shall be allowed and paid on any overpayment in respect of any tax, at the rate of 6 percent per annum as follows:

(a) In the case of a credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this part.

(b) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Franchise Tax Board.

19062 1. **Refund Claim, Notice of Disallowance of Interest.** If the Franchise Tax Board disallows interest on any claim for refund, it shall notify the taxpayer accordingly.

19062.2. **Finality of Franchise Tax Board's Action on Interest Disallowance.** At the expiration of 90 days from the mailing of such notice, the Franchise Tax Board's action upon the disallowance of such interest shall be final unless within such 90-day period, the taxpayer appeals in writing from the action of the Franchise Tax Board to the board.

19062.3. **Appeal to Board From Interest Disallowance.** Appeals must be addressed and mailed to the State Board of Equalization at Sacramento, California, and a copy of the appeal addressed and mailed at the same time to the Franchise Tax Board at Sacramento, California.

19062 4. **Action by Board on Interest Disallowance Appeal.** The board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the Franchise Tax Board of its determination.

19062 5. **Finality of Board's Action.** The determination is final upon the expiration of 30 days from the date of the determination unless within the 30-day period, the taxpayer or Franchise Tax Board files

a petition for rehearing with the board. In that event the determination becomes final upon the expiration of 30 days from the date the board issues its opinion upon the petition.

19062.6 **Court Action for Recovery of Interest.** Within 90 days after the mailing of the notice of the Franchise Tax Board's action disallowing interest upon any refund claim, or, in the case of an appeal to the board from the disallowance of interest on any refund claim, within the 90 days after the mailing of the notice of the board's determination of the appeal, the taxpayer may bring an action against the Franchise Tax Board on the grounds set forth for interest in such claim for the recovery of the interest.

19062.7. **Court Action Where Franchise Tax Board Fails to Act on Interest Claim Within Six Months.** If the Franchise Tax Board fails to mail notice of action of disallowance of interest on any refund claim within six months after the interest was claimed, the taxpayer may, prior to mailing notice of action of disallowance of interest on the refund claim, consider the interest disallowed and bring an action against the Franchise Tax Board on the grounds set forth for interest in such claim for the recovery of the interest.

19062 8. **Interest Not Payable When Overpayment Not Bona Fide.** A payment not made incident to a bona fide and orderly discharge of an actual liability or one reasonably assumed to be imposed by law, is not an overpayment for the purposes of Section 19062 and interest is not payable thereon

19062 9 **Interest Limitation When Overpayment Results From Bad Debt Deduction.** If a credit or refund of any part of an overpayment would be barred under Section 19053, except for the provisions of Section 19053.7, no interest shall be allowed or paid with respect to such part of the overpayment for any period beginning after the expiration of the period of limitation provided in Section 1953 for filing claim for credit or refund of such part of the overpayment and ending at the expiration of six months after the date on which the claim was filed or, in case no claim was filed and the overpayment was found by the board, ending at the time the appeal was filed with the board.

Article 1.5. Armed Services Refunds

Article 2. Suit for Refund

19081. **Legal or Equitable Processes to Enjoin Assessment or Collection of Tax, Prohibited Except in Residence Cases.** No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this State or against any officer of this State to prevent or enjoin the assessment or collection of any tax under this part; provided, however, that any individual after protesting a notice or notices of deficiency assessment issued because of his alleged residence in this State and after appealing from the action of the Franchise Tax Board to the State Board of Equalization, may within 60 days after the action of the State Board of Equalization becomes final commence an action, on the grounds set forth in his protest, in the Superior Court of the County of Sacramento, in the

County of Los Angeles or in the City and County of San Francisco against the Franchise Tax Board to determine the fact of his residence in this State during the year or years set forth in the notice or notices of deficiency assessment. No tax under this part based solely upon the residence of such an individual shall be collected from such individual until 60 days after the action of the State Board of Equalization becomes final and, if he commences an action pursuant to this section, during the pendency of such action, other than by way of or under the jeopardy assessment provisions of this part.

19082. **Action, Taxpayer May Bring.** Except as provided in Section 19085, after payment of the tax and denial by the Franchise Tax Board of a claim for refund, any taxpayer claiming that the tax computed and assessed against him under this part is void in whole or in part may bring an action, upon the grounds set forth in his claim for refund, against the Franchise Tax Board for the recovery of the whole or any part of the amount paid.

19083. **Action, Time to Be Filed.** The action provided by Section 19082 shall be filed within four years from the last date prescribed for filing the return or within one year from the date the tax was paid, or within 90 days after (a) notice of action by the Franchise Tax Board upon any claim for refund, or (b) final notice of action by the State Board of Equalization on an appeal from the action of the Franchise Tax Board on a claim for refund, whichever period expires the later.

19085. **Action, Where Franchise Tax Board Fails to Act on Refund Claim After Six Months.** If the Franchise Tax Board fails to mail notice of action on any refund claim within six months after the claim was filed, the taxpayer may, prior to mailing of notice of action on the refund claim, consider the claim disallowed and bring an action against the Franchise Tax Board on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

19086. **Action, Franchise Tax Board to Be Named Defendant.** In all actions pending on January 1, 1950, against the State Treasurer or the Franchise Tax Commissioner under this part, the Franchise Tax Board shall be substituted for the State Treasurer or the Franchise Tax Commissioner by the court in which the action is pending. This substitution shall not in any way affect the rights of the plaintiff in the action.

19087. **Action, Service of Complaint.** Whenever an action is commenced against the Franchise Tax Board under this article, a copy of the complaint and the summons shall be served upon the Franchise Tax Board or the executive officer. A second copy of the complaint and the summons shall be furnished to the Franchise Tax Board, but this requirement is not jurisdictional.

19088. **Actions, Franchise Tax Board May Demand They Be Tried in Sacramento County.** At the time the Franchise Tax Board demurs or answers, it may demand that the action be tried in the Superior Court of the County of Sacramento, which demand shall be granted.

19089. **Defense of Actions.** The Attorney General or the counsel for the Franchise Tax Board of California shall defend the action.

19090. **Action Barred by Statute of Limitations.** Failure to begin an action within the time specified in this article shall be a bar against the recovery of taxes.

19091. **Actions, Interest on Judgment.** In any judgment of any court rendered for any overpayment, interest shall be allowed at the rate of 6 percent per annum upon the amount of the overpayment, from the date of the payment or collection thereof to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Franchise Tax Board.

19092. **Action, Payment of Judgment.** If judgment is rendered against the Franchise Tax Board, the amount thereof shall first be credited against any taxes and interest due from the taxpayer under this part and the remainder refunded to the taxpayer by the State Treasurer on warrants drawn by the Controller.

Article 3. Recovery of Erroneous Refunds

19111. **Erroneous Refunds, Action for Recovery.** The Franchise Tax Board may recover any refund or credit or any portion thereof which is erroneously made or allowed, together with interest at the rate of 6 percent per annum from the date the refund was made or the credit allowed, in an action brought within two years after the refund or credit was made in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California.

19112. **Action for Recovery of Erroneous Refund, Venue.** The action shall be tried in the County of Sacramento unless the court with the consent of the prosecutor orders a change of place of trial.

19113 **Action to Recover Erroneous Refund, Prosecution of.** The Attorney General or the counsel for the Franchise Tax Board shall prosecute the action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings.

Article 4 Cancellations

19131. **Cancellation of Illegal Tax.** If a tax has been illegally levied against a taxpayer, the Franchise Tax Board shall set forth on its records the reasons therefor and thereafter shall authorize the cancellation of the tax.

Article 5. Closing Agreements

19132. **Execution and Effect.** The Franchise Tax Board or any person authorized in writing by the Franchise Tax Board is authorized to enter into an agreement in writing with any person (or of the person or estate for whom he acts) in respect of any tax levied under Part 10 of this code for any taxable period.

If such agreement is approved by the State Board of Control, within such time as may be stated in the agreement, or later agreed to, such agreement shall be final and conclusive, and except upon a showing of fraud or malfeasance, or misrepresentation of the material fact.

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the State, and

(2) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

Chapter 21. Administration of Tax

Article 1. Powers and Duties of Franchise Tax Board

19251. **Administrator.** The Franchise Tax Board shall administer and enforce this part. For this purpose it may divide the State into a reasonable number of districts, in each of which a branch office or offices may be maintained during all or such part of the time as may be necessary.

19252. **Branch Offices.** In the establishment of the districts and offices the Franchise Tax Board shall give due consideration to the matter of economy of administration and service to the taxpayers.

19253. **Rules and Regulations, Retroactivity.** The Franchise Tax Board shall prescribe all rules and regulations necessary for the enforcement of this part and may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

19254. **Power of Examination.** The Franchise Tax Board for the purpose of administering its duties under this part, shall have the power to examine any books, papers, records, or memoranda, bearing upon the matters required to be included in the return of any taxpayer under this part. The Franchise Tax Board may also require the attendance of the taxpayer or of any other person having knowledge in the premises and may take testimony and require material proof for its information and administer oaths to carry out the provisions of this section. The Franchise Tax Board may issue subpenas or subpenas duces tecum, which subpenas must be signed by any member of the Franchise Tax Board and may be served on any person for any purpose.

19255. **Appointment of Agents and Assistants.** The Franchise Tax Board may appoint and remove, in the manner provided by law, such officers, agents, branch office income tax deputies, and other employees as it deems necessary. They shall have such duties and powers as the Franchise Tax Board from time to time prescribes.

19256. **Appointment of Assistants to Conduct Hearings and Prescribe Regulations.** The Franchise Tax Board may appoint one or more deputies or assistants to conduct hearings, prescribe regulations, or perform any other duty imposed by this part or other laws of the State upon the Franchise Tax Board.

19257. **Appointment of Assistants From Local District.** Any temporary appointments of branch office income tax deputies and other branch office employees shall be made from eligible residents of the district in which the branch office is located.

19258. **Salaries of Assistants.** The salaries of the personnel required by the Franchise Tax Board shall be such as it may prescribe, in

the manner provided by law, and the Franchise Tax Board and its personnel shall be allowed reasonable and necessary traveling and other expenses incurred in the performance of their duties.

19259. **Bonds of Assistants.** The Franchise Tax Board may require officers, agents, deputies, and other employees designated by it to give bond for the faithful performance of their duties in such sum and with such sureties as it may determine. It shall pay all premiums on the bonds out of moneys appropriated for the administration of this part.

19260. **Oaths and Acknowledgments.** The Franchise Tax Board and officers and employees designated by it may administer an oath to any person or take the acknowledgment of any person in respect of any return or report required by this part or the rules and regulations of the Franchise Tax Board.

19261. **Notice of Assumption of Fiduciary Capacity.** Any person acting in a fiduciary capacity shall assume the duties and, upon giving notice to the Franchise Tax Board, shall assume the rights and privileges of the taxpayers in respect of any tax imposed by this part (except as otherwise specifically provided), until he gives notice that his fiduciary has terminated. He shall give notice under this section pursuant to rules and regulations prescribed by the Franchise Tax Board.

19262. **Estate of $50,000, Franchise Tax Board's Certificate.** If the value of the assets of an estate at the death of the decedent exceeds fifty thousand dollars ($50,000), and if any beneficiary is a nonresident, the final account of the fiduciary shall not be allowed by the probate court unless the fiduciary obtains from the Franchise Tax Board and files with the court a certificate to the effect that all taxes imposed by this part upon the estate or decedent which have become payable have been paid, and that all taxes which may become due are secured by bond, deposit or otherwise.

19263. **Estate of $50,000, Certificate Within 30 Days.** Within 30 days after receiving a request for a certificate, the Franchise Tax Board shall either issue the certificate or notify the person requesting the certificate of the amount of tax that shall be paid or the amount of bond, deposit, or other security that shall be furnished as a condition of issuance of the certificate.

19264. **Effect of Certificate.** The certificate of the Franchise Tax Board does not relieve the estate for which the fiduciary acts of liability for any taxes which are due and unpaid at the time the certificate is issued or which may become due from the decedent or estate under this part after the issuance of the certificate. It also does not relieve the fiduciary of the liability imposed by Section 19265.

19265. **Liability of Fiduciary for Nonpayment of Estate or Trust Taxes.** Every fiduciary who pays in whole or in part any claim, other than claims for taxes, expenses of administration, funeral expenses, expenses of last illness, and family allowance, against the person, estate, or trust for whom or for which he acts, or who makes any distribution of the assets of the person, estate, or trust, before he satisfies and pays taxes, interest, and penalties, except penalties due from a

decedent, which are imposed by this part on the person, estate, or trust for whom or for which he acts, or which constitute a claim against such person, estate, or trust, or which are a lien or charge on or against the assets of such person, estate, or trust, is personally liable to the State for the taxes, interest, and penalties to the extent of such payments and distributions.

19266. **Eighteen-month Notice, by Fiduciary.** (a) In the case of income received or accrued during the lifetime of a decedent, or by his estate during the period of administration, or by a trust, the Franchise Tax Board shall mail notices proposing to assess the tax, and shall commence any proceeding in court without assessment for the collection of the tax, within 18 months after written request therefor (filed after the return is made) by the fiduciary of the estate or trust or by any other person liable for the tax or any portion thereof.

(b) After filing a request pursuant to subsection (a), a fiduciary may consent in writing to waive the limitation prescribed by said subsection.

19281. **Returns to Be Kept at Least Four Years.** The Franchise Tax Board shall preserve reports and returns for four years and thereafter until it orders them to be destroyed. Returns filed pursuant to Sections 18802, 18802.1, and 18803 shall be preserved until the Franchise Tax Board orders them to be destroyed.

19282. **Penalty for Disclosing Information Contained in the Return.** Except as otherwise provided in this article, it is a misdemeanor for the Franchise Tax Board, any deputy, agent, clerk, or other officer or employee, to disclose in any manner information as to the amount of income or any particulars set forth or disclosed in any report or return required under this part.

19283. **Judicial Order, Return Information Disclosed Pursuant to.** Such information may be disclosed in accordance with proper judicial order in cases or actions instituted for the enforcement of this part or for the prosecution of violations of this part.

19284. **Legislative Committees, Information May Be Furnished Upon Request.** Such information may upon request of a committee appointed by either the Assembly or the Senate, or both, be furnished to the committee, but it is a misdemeanor for the committee or any member, clerk, or other officer or employee thereof to disclose in any manner any particulars of the information so furnished except to law enforcement officers for the purpose of aiding the detection or prosecution of crimes committed in violation of this part.

19285. **Attorney General May Have Information to Prosecute or Defend Actions.** The Attorney General or other legal representatives of the State may inspect the report or return of any taxpayer who brings an action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted to recover any tax or any penalty imposed by this part.

19286. **Reciprocal Exchange of Information.** The Franchise Tax Board may permit the Commissioner of Internal Revenue of the United States, or other tax officials of this State, or the proper officer of any state imposing an income tax or a tax measured by income, or the

authorized representative of any such officer, to inspect the income tax returns of any individual, estate, trust, or partnership, or may furnish to the officer or his authorized representative an abstract of the return of income of any taxpayer or supply him with information concerning any item of income contained in any return or disclosed by the report of any investigation of the income or return of income of any taxpayer. Permission shall be granted or information furnished to the officer or his representative only if the statutes of the United States or of the other state, as the case may be, grant substantially similar privileges to the Franchise Tax Board of this State.

19287. **Reciprocal Information, Penalty for Unlawful Use.** The information furnished or secured pursuant to Section 19286 shall be used solely for the purpose of administering the tax acts or laws administered by the person or agency obtaining it. Any unwarranted disclosure or use of the information by the person or agency, or the employees and officers thereof, is a misdemeanor.

19288. **Reciprocal Exchange of Information, Reimbursement for Costs Thereof.** Whenever under this part or any act heretofore or hereafter enacted, the Franchise Tax Board is required or permitted to disclose information, to furnish abstracts, or to permit access to its records, to or by any official, department, bureau, or agency of this State (including its political subdivisions), or any other state, or the United States, it may charge the official, department, bureau, or agency for the reasonable cost of its services.

19289. **Statistics.** This article does not prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns.

Chapter 22. Disposition of Proceeds

19351. **Collections, Transmitted to State Treasurer.** The Franchise Tax Board shall transmit promptly to the State Treasurer all moneys and remittances received by it under this part. It shall at the same time furnish copies of the schedules covering the transmittals to the Controller.

19352. **Personal Income Tax Fund, Collections Deposited Therein.** All moneys and remittances so received and so transmitted shall be deposited, after clearance of remittances, in the State Treasury and credited to the Personal Income Tax Fund.

19354. **Personal Income Tax Fund, Use for Refunds.** The balance of the moneys in the Personal Income Tax Fund shall, upon order of the Controller, be drawn therefrom for the purpose of making refunds under this part or be transferred to the General Fund.

Chapter 23. Violations

19401. **Penalty, for Violation of Part.** Any person who, with or without intent to evade any requirement of this part or any lawful requirement of the Franchise Tax Board under this part, fails to file any return or to supply any information required under this part, or who, with or without such intent, makes, renders, signs, or verifies any false or fraudulent return or statement, or supplies any false or fraudulent

information, is liable to a penalty of not more than one thousand dollars ($1,000). The penalty shall be recovered by the Attorney General or the counsel for the Franchise Tax Board in the name of the people by action in any court of competent jurisdiction.

The person is also guilty of a misdemeanor and shall upon conviction be fined not to exceed one thousand dollars ($1,000) or be imprisoned not to exceed one year, or both, at the discretion of the court.

19402. **Penalty, Compromise Thereof.** The prosecutor may, with the consent of the Franchise Tax Board, compromise any penalty for which he may bring action under this chapter. The penalties provided by this chapter are additional to all other penalties provided in this part.

19403. **Penalty, Certificate Is Prima Facie Evidence of Violation.** The certificate of the Franchise Tax Board to the effect that a return has not been filed or that information has not been supplied as required by this part is prima facie evidence that the return has not been filed or that the information has not been supplied.

19404. **Statute of Limitations.** Any action or prosecution under this chapter shall be instituted within four years after the commission of the offense.

19405. **Penalty for False Return.** (a) Any person who wilfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than two thousand dollars ($2,000) or imprisoned in the state prison not more than five years, or both.

(b) The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

19406. **Penalty, Failure to File.** Any person who, within the time required by or under the provisions of this part, wilfully fails to file any return or to supply any information with intent to evade any tax imposed by this part, or who, wilfully and with like intent, makes, renders, signs, or verifies any false or fraudulent return or statement or supplies any false or fraudulent information, is punishable by imprisonment in the county jail not to exceed one year, or in the state prison not to exceeed five years, or by fine of not more than five thousand dollars ($5,000), or by both such fine and imprisonment, at the discretion of the court.

19407. **Place of Trial.** The place of trial for the offenses enumerated in this chapter of this code shall be in the county of residence or principal place of business of the defendant or defendants; provided, that if such defendant has no residence or principal place of business in this State, such trial shall be had in the County of Sacramento.

Chapter 24. Res Judicata

19451. **Franchise Tax Board Not Bound by Determination of Other Department.** In the determination of any issue of law or fact under this part, neither the Franchise Tax Board nor any officer or agency having any administrative duties under this part nor any court is bound by the determination of any other officer or administrative agency of the State.

19452. **Res Judicata.** In the determination of any case arising under this part, the rule of res judicata is applicable only if the liability involved is for the same year as was involved in another case previously determined.

NEW SECTIONS

CHAPTER 25. BOARD OF TAX APPEALS

19500. **Board of Tax Appeals.** There is hereby created a Board of Tax Appeals consisting of three members. who shall not hold any other state office or position, appointed by the Governor with the advice and consent of the Senate on the basis of their qualifications for the duties involved for a term of four years. However, the term of the first member of the board shall expire on January 15, 1959, the term of one of such members shall expire on January 15, 1960, and the term of one of such members shall expire on January 15, 1961, and each shall hold office until the appointment and qualification of his successor. The members of the board shall elect one of the members of the board to serve as chairman thereof.

Thereafter each appointment by the Governor of a member of the board shall be for the term of four years, except that whenever a vacancy shall occur before the end of a term, the appointment made by the Governor to fill such vacancy shall be for the remainder of that term.

One member of such board shall be an attorney at law admitted to practice in the courts of this State and he must have been engaged in such practice for not less than three years prior to his appointment. He shall also be a member, in good standing, of the State Bar of California.

One member of such board shall be a certified public accountant who has practiced his profession as a public accountant in the State for not less than three years prior to his appointment.

One member of such board shall be appointed without requirement of professional or technical qualification except as the Governor may deem advisable. Each said member shall receive thirty-five dollars ($35) per day for each day actually spent in the performance of the duties of said board together with actual and necessary traveling expenses incurred in connection therewith.

19501. **Assistants.** The board may appoint and remove, in the manner provided by law, such assistants and other employees as it deems necessary The salaries of the personnel required by the board shall be such as it may prescribe, in the manner provided by law, and the personnel shall be allowed reasonable and necessary traveling and other expenses incurred in the performance of their duties.

19502. **Review.** A party aggrieved by any decision of the board may within 30 days after the rendition thereof, petition for a review of the decision in the manner provided by law.

19503. **Powers.** The Board of Tax Appeals shall succeed to and is hereby vested with all of the powers, duties, purposes, responsibilities, and jurisdiction of the State Board of Equalization with respect to appeals from the Franchise Tax Board on personal income tax and bank and corporation tax matters. The term State Board of Equaliza-

tion when used in the Personal Income Tax Law and Bank and Corporation Tax Law in connection with such appeals shall be construed to mean and refer to the Board of Tax Appeals as though the title of the latter had been specifically set forth therein.

19504. **Record and File.** Within 20 days after the receipt of notice of the filing of an appeal with the Board of Tax Appeals, the State Board of Equalization or the Franchise Tax Board, shall certify to the Board of Tax Appeals its entire record and file in the matter.

The Board of Tax Appeals may hear an appeal solely upon the certified record and file, or upon such record and file together with such additional evidence as may be presented to it or that it may obtain.

19505. **Head of Department.** The Board of Tax Appeals shall have all the powers of a head of a department as set forth in Sections 11150 to 11191, inclusive, of the Government Code.

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ASSEMBLY INTERIM COMMITTEE REPORTS
1955-1957

VOLUME 5 NUMBER 2

Preliminary Report of the

ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME

House Resolution No. 240, 1955

MEMBERS OF COMMITTEE

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PAULINE L. DAVIS, *Vice Chairman*

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J WARD CASEY
THOMAS J. DOYLE
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ALAN G. PATTEE
JACK SCHRADE
HAROLD T. SEDGWICK
EARL W STANLEY
VINCENT THOMAS
FRANCIS C LINDSAY

January, 1957

Published by the
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OF THE STATE OF CALIFORNIA

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Majority Floor Leader

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Minority Floor Leader

ARTHUR A. OHNIMUS
Chief Clerk

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LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME

January 7, 1957

HON. L. H. LINCOLN
Speaker of the Assembly; and

MEMBERS OF THE ASSEMBLY
Assembly Chamber, Sacramento, California

GENTLEMEN: In accordance with the directions of House Resolution No. 240, 1955 Regular Session of the California Legislature, we have the honor to present a preliminary report of the committee's recommendations, comprising pro forma bills, resolutions and other recommendations arising from the work of the committee during the interim following the close of the 1955 session.

A full report containing descriptions of the committee's work, resumes of hearing statements, findings and conclusions, together with the recommendations mentioned above, is now in the course of preparation, and will be submitted to the Assembly upon completion.

Respectfully submitted,

FRANK P. BELOTTI, Chairman
PAULINE L. DAVIS, Vice Chairman (not signed)
JACK A. BEAVER
J. WARD CASEY (not signed)
THOMAS J. DOYLE
THOMAS M. ERWIN
WILLIAM S. GRANT
H. W. "PAT" KELLY
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HAROLD T. SEDGWICK
EARL W. STANLEY (not signed)
VINCENT THOMAS

PROPOSED LEGISLATION

(PRO FORMA BILL)

An act to amend Sections 717.1 and 748 of the Fish and Game Code, relating to anchovies and yellowtail, declaring the urgency thereof, to take effect immediately.

SECTION 1. Section 717.1 of the Fish and Game Code is amended to read:

717.1. During each of the 12-month periods beginning with ~~July 1, 1955,~~ *July 1, 1957,* and ~~July 1, 1956,~~ *July 1, 1958,* the total amount of yellowtail which may be taken or received for commercial canning purposes shall be not more than 3,000 tons in the round.

From time to time the department shall make public announcement of the landing trends in order that all interested groups may be informed. The department shall estimate from the current trend of landings the prospective data on which the season's quota will be reached and shall recommend that date to the commission as the closing date of the season for yellowtail canning.

The department shall inform the commission and publicly announce the date when the season should be closed, and on that date the commission shall close the season; provided, however, that if the quota is not reached by the date announced, the department is hereby authorized to permit continuation of fishing for a period not to exceed 10 days or until the quota is reached, whichever occurs first.

No person shall take or receive yellowtail for canning between said announced date and the next following first day of July In the absence of any anouncement that the total will be reached before the end of the 12-month period, yellowtail canning may continue until the end of the 12-month period specified herein.

In the event that cannery receipts should exceed the quota specified between the time the announcement is made and the effective date for closure, no penalty shall accrue.

Nothing in this section shall prohibit the canning of yellowtail for the personal use of the fishermen; provided, that no such canned yellowtail may be sold. Yellowtail for personal noncommercial canning is not included in the total tonnage specified herein.

The commission is hereby authorized to adopt regulations pursuant to the provisions of this section to govern the termination of the yellowtail canning season.

SEC. 2. Section 748 of said code is amended to read:

748. During the period from ~~September 1, 1955,~~ *April 1, 1957,* to ~~March 31, 1956.~~ *March 31, 1958,* the total amount of anchovies which may be taken or received for canning, including canned pet food, shall be not more than ~~21,000~~ *35,000* tons. During the period from ~~April 1, 1956,~~ *April 1, 1958,* to ~~March 31, 1957,~~ *March 31, 1959,* the total amount of anchovies which may be taken or received for canning, including canned pet food, shall be not more than 35,000 tons.

From time to time the department shall make public announcement of the landing trends in order that all interested groups may be informed. The department shall estimate from the current trend of landings the prospective date on which the season's quota will be reached, and shall recommend that date to the commission as the closing date of the season for anchovy canning.

The department shall inform the commission and publicly announce the date when the season should be closed, and on that date the commission shall close the season; provided, however, that if the quota is not reached by the date announced the department is hereby authorized to permit continuation of fishing for a period not to exceed 10 days or until the quota is reached, whichever occurs first.

No person shall take or receive anchovies for canning between said announced date and the next following first day of April. In the absence of any announcement that the total will be reached before the end of the season specified herein, anchovy canning may continue until the end of the season specified.

In the event that cannery receipts should exceed the quota specified between the time the announcement is made and the effective date for closure, no penalty shall accrue.

No anchovies less than five inches in length measured from tip of snout to tip of tail may be purchased for any purpose except for use as bait; provided, that the allowable percentage of undersized anchovies which may be contained in any load or lot purchased shall be not more than 25 percent by weight of all anchovies in said load or lot.

The commission is hereby authorized to adopt regulations pursuant to the provisions of this section to govern the termination of the anchovy canning season and the manner in which the percentage of undersized anchovies will be determined

SEC. 3. Sections 1 and 2 of this act constitutite an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and said sections shall go into immediate effect. The facts constituting such necessity are·

The anchovy and yellowtail fisheries are among the most important of the State's fishery industries, contributing greatly to the wealth and prosperity of the people, providing valuable food and by-products, and recreational fishing Indications are that these fish have or may become scarce, causing distress to the industry Maintenance of these fisheries at a high level of productivity is essential to the well-being of the State's industry, including recreational fishing. In order to provide for the regulation of the 1957 fisheries during the summer it will be necessary for this act to be in effect on April 1, 1957.

(PRO FORMA BILL)

An act to amend Section 787.5 and add Section 970.1 to the Fish and Game Code, relating to crabs.

SECTION 1. Section 787.5 of the Fish and Game Code is amended to read:

787.5. Notwithstanding any other provision of this code or any rules or regulations made pursuant to this code: Crabs may be taken

in Districts 6, 7, 8, and 9 betwen December 15th to June 30th. Crabs may be taken in all other districts between November 15th to May 31st. Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

~~On and after the opening date of the 1956-57 crab season, each crab trap shall have one rigid circular opening of not less than four inches inside diameter so constructed that the lowest portion of the opening is no lower than five inches from the top of the trap.~~

This section shall remain in effect until the ninety-first day after the final adjournment of the ~~1957~~ *1959* Regular Session of the Legislature.

SEC. 2. Section 970.1 is added to the Fish and Game Code, to read:

970.1. On and after the opening date of the 1957-58 crab season, each crab trap shall have one rigid circular opening of not less than four inches inside diameter so constructed that the lowest portion of the opening is no lower than five inches from the top of the trap.

(PRO FORMA BILL)

An act to amend Sections 651 and 651.1 of the Fish and Game Code, relating to salmon, declaring the urgency thereof, to take effect immediately.

SECTION 1. Section 651 of the Fish and Game Code is amended to read:

651. In Districts 6, 7, 8, 9, 10, 11, 15, 16, 17, ~~and~~ 18 *and 19* salmon may be taken by hook and line between ~~May 1st~~ *April 15th* and ~~September 30th~~ *September 15th*. There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 25 inches in length, measured from tip of the snout to the extreme tip of the tail.

SEC. 2. Section 651.1 of the Fish and Game Code is amended to read:

651.1. In Districts 6, 7, 10, 11, 15, 16, 17, ~~and~~ 18 *and 19*, under the authority of a commercial fishing license, king salmon may be taken by hook and line between ~~May 1st~~ *April 15th* and ~~September 30th~~ *September 15th*. Silver salmon may be taken by hook and line between July 1st and ~~September 30th.~~ *September 15th*. There is no bag limit. No such king salmon may be less than 26 inches in length and no such salmon may be less than 22 inches in length, measured from tip of the snout to the extreme tip of the tail.

It is unlawful to import into this State any king or silver salmon less than the lengths prescribed herein.

This section shall be in full force and effect only during such times that the States of Oregon and Washington have in effect laws or regulations prohibiting the taking of silver salmon by commercial trolling prior to July 1st of any year. At all other times, Sections 651 and 660 shall remain in effect insofar as commercial fishing is concerned. Upon receipt of statements annually from the Secretaries of State of the States of Oregon and Washington that such laws or regulations are in effect, the Secretary of State shall notify the department that Section 651.1 is in effect for the year concerned. In order for this section

to be effective such notification must be made prior to April 15th of each year.

SEC. 3 The salmon fishery is one of the State's most important commercial fishery industries, contributing substantially to the wealth and prosperity of the people, providing a valuable food source and important by-products.

At present the opening date for this fishery in the States of Oregon and Washington is April 15th, whereas the opening date in this State is May 1st, giving an unfair advantage to the commercial fishermen of those states and discriminating against the fishermen of this State. Furthermore, the April 15th opening would provide better fishing in the Monterey Bay area. In order to provide for the regulation of the 1957 fishery, it will be necessary for this act to be in effect as of April 15, 1957.

(PRO FORMA BILL)

An act to amend Section 887 of the Fish and Game Code, relating to the Salton Sea and corvina.

SECTION 1. Section 887 of the Fish and Game Code is amended to read:

887. ~~The commission may issue a revocable permit to take with set gill nets, or seines. mullet or carp in the waters of the Salton Sea and in these portions of the New and Alamo Rivers up-stream one mile from their mouths as marked by the commission, under commercial license, subject to such restrictions as the commission deems advisable.~~

~~(a) No fish other than mullet or carp, and no mullet less than 11 inches in length may be taken or possessed by a licensed commercial fisherman while fishing in Salton Sea, and the New and Alamo Rivers.~~

~~(b) No commercial fishing under this section shall be carried on within the boundaries of any state or federal game refuge.~~

~~(c) It is unlawful to possess gill nets, seines, or other devices capable of being used to take mullet or carp for commercial purposes. within 500 yards of the Salton Sea and those portions of the New and Alamo Rivers designated as commercial fishing waters lying in District 22, except during such open season as may be prescribed by the commission.~~ *The Salton Sea is closed to commercial fishing for all species other than shellfish.*

~~(d)~~ *(a)* Notwithstanding the provisions of this section, it shall be lawful for any holder of a sporting fishing license to take mullet or carp in Salton Sea or any portions of the New or Alamo Rivers at any time of the year, between one hour before sunrise and one hour after sunset. The daily bag limit and possession limit is 20 pounds and one fish in the aggregate. No such fish may be sold. Mullet and carp so taken by sport fishermen may be taken by use of the hands, by line with one or more hooks, or by use of dip nets not greater than six feet in diameter.

~~(e)~~ *(b)* Notwithstanding the provisions of this section, it shall be lawful for any holder of a sporting fishing license to take only by angling 10-pounders (Elops affinis) in District 22 at any time of the year between one hour before sunrise and one hour after sunset. The daily bag limit is five fish irrespective of size Not more than one daily

limit may be possessed by any person during any one day. No such 10-pounders may be sold.

(c) Notwithstanding the provisions of this section, it shall be lawful for any holder of a sporting fishing license to take only by angling corvina (Cynocion xanthulus) in the Salton Sea or any portions of the New or Alamo Rivers at any time of the year, between one hour before sunrise and one hour after sunset. The daily bag and possession limit shall be as established by the Fish and Game Commission. No such fish may be sold.

(PRO FORMA BILL)

An act to amend Section 1065 of the Fish and Game Code, relating to sardines, declaring the urgency thereof, to take effect immediately.

SECTION 1. Section 1065 of the Fish and Game Code is amended to read:

1065. Sardines may be taken for use in a reduction plant, or by a packer, only in accordance with the provisions of this article, as follows: in Districts 4, 4¼ and those portions of Districts 3½ and 18 lying south of a line running east and west through Point Arguello, 19, 20A and 21, between October 1st and February 1st, inclusive; elsewhere in the State, except in Districts 19A and 20, between August 1st and January 15th. Sardines may be taken at any time on or after but not prior to ~~June 1, 1957.~~ *June 1, 1959,* for the purpose of salting, curing, smoking or drying, or for the purpose of packing in cans commonly known as quarter-pound or square cans less than 10 ounces in net weight; provided, that in a 10-ounce can, fish of a size not less than eight fish to the can may be used Sardines may be packed in their own natural oil.

SEC. 2. The sardine fishery is among the State's most important fishery industries, contributing importantly to the wealth and prosperity of the people, providing a valuable food source, important by-products and contributing to recreational fishing. Indications are that these fish have or may become scarce, causing distress to the industry. Maintenance of this fishery at a high level of productivity is essential to the well being of the State's industry including recreational fishing In order to provide for the regulation of the 1957 fishery during the summer, it will be necessary for this act to be in effect on June 1, 1957.

RESOLUTION

Re: Big Game

WHEREAS, The open season on either-sex antlerless deer established by the Fish and Game Commission for the last three days of the open season on inland deer in 1956 resulted in an indiscriminate, senseless and unsportsmanlike slaughter of animals; and

WHEREAS, The setting of the three-day open season occurring at the end of all open deer seasons resulted in an unprecedented concentration of hunters in comparatively limited areas; and

WHEREAS, The setting of the three-day open season occurred at a time when the migratory herds were moving over comparatively narrow and well-defined trails, making them an unusually good target; and

WHEREAS, The residents of the areas wherein this slaughter occurred and many sportsmen have decided and condemned this useless and needless slaughter; now, therefore, be it

Resolved, That the Assembly Interim Committee on Fish and Game unanimously express horrification at the results of the three-day slaughter, and censure and condemn the State Commission on Fish and Game and the State Department of Fish and Game for taking this ill-conceived and ill-advised action; and be it further

Resolved, That the State Asembly is urged to establish an investigation, by an appropriate committee, of the entire problem of deer herd management, including but not limited to the following ideas:

a. The issuance of tags for specified areas.
b. The establishment of a separate group or committee to manage the interstate deer herds, possibly one which would be on a tri-state cooperative basis with Oregon and Nevada.

RESOLUTION

Re: Colorado River and Palo Verde Valley

WHEREAS, The tremendous previous and future growth of the population of Southern California makes imperative the establishment of additional hunting, fishing and recreational areas, readily accessible to Southern California; and

WHEREAS, The urban and suburban expansion in the southern part of the State have destroyed the recreational usefulness of many areas previously available for hunting, fishing and recreation purposes, and

WHEREAS, The Palo Verde Valley of the Colorado River is being gradually reduced in hunting, fishing and recreational value by the encroachment of farming squatters; and

WHEREAS, The United States Bureau of Reclamation is apparently making no useful employment of the withdrawn lands contiguous to the Colorado River including the Palo Verde Valley; and

WHEREAS, The United States Bureau of Reclamation is apparently making no plans or efforts toward preserving or enhancing the recreational usefulness of the withdrawn lands contiguous to the Colorado River; and

WHEREAS, The stabilized flow of the Colorado River has caused the disappearance of many marsh lands and flooded lands which previously served as feeding and resting areas for wild waterfowl; and

WHEREAS, The wild waterfowl that used to feed along the Colorado River now come into the Imperial Valley and cause considerable depredations; now, therefore, be it

Resolved, That the Assembly Interim Commitee on Fish and Game urge the Legislature to memorialize Congress to the end that the United States Bureau of Reclamation turn over to the State of California the withdrawn lands contained in the Palo Verde Valley and other withdrawn lands contiguous to the Colorado River, useful for recreational purposes, to be operated by the State of California as Wildlife Management Areas; and be it further

Resolved, That the Wildlife Conservation Board be urged to take all steps and actions necessary to expedite the acquisition of these lands from the Federal Government; and be it further

Resolved, That the State Department of Fish and Game is urged to formulate plans for the use of these lands and to render every assistance to the Wildlife Conservation Board in their acquisition; and be it further

Resolved, That copies of this resolution be directed to Members of the Legislature, members of the Wildlife Conservation Board and the Director of the Department of Fish and Game.

RESOLUTION

Re: Lower Klamath River

WHEREAS, The lower Klamath River affords outstanding opportunities for sport fishing and recreation; and

WHEREAS, The lower Klamath River is an essential water transportation medium for the State's important logging industry; and

WHEREAS, It is imperative that both the sport fishery and the logging industry make joint use of the river with a minimum encroachment, each upon the other; and

WHEREAS, The use of the lower Klamath River by the logging industry may upon occasion result in excessive amounts of bark and other debris in the river, which may be detrimental to the sport fishery; and

WHEREAS, The State Lands Commission has within its power the means to minimize encroachment and friction between the sport fishery and the logging industry; now, therefore, be it

Resolved, That the Assembly Committee on Fish and Game hereby urges the State Lands Commission to take the following actions:

1. Establish rules and regulations with respect to the operation of log landings on state lands contiguous to the lower Klamath River.
2. Establish minimum specifications for bark traps to be operated in connection with every log landing and/or reload.
3 Establish criteria with respect to the efficiency and effectiveness of the operation of bark traps.
4 Publish the foregoing so that personnel of the State Division of Forestry, Department of Fish and Game and local governmental officials will have knowledge of them and thereby assist in enforcement or notification to the State Lands Commission that violations are taking place.
5. Issue permits for the establishment of log landings or reloads on state lands contiguous to the lower Klamath River only subject to the above and suspendable or revocable in the event of noncompliance; and be it further

Resolved, That copies of this resolution be directed to the members of the State Lands Commission and its executive staff

RESOLUTION

Re: Marine Animals

WHEREAS, Sea lions and other marine animals occur in large numbers in coastal fishing areas; and

WHEREAS, Such animals apparently feed on food fish and many people believe that they are unduly destructive; and

WHEREAS, Little information is available on the effect of these animals on the fish supply; now, therefore, be it

Resolved, That the Assembly Interim Committee on Fish and Game urge the State Department of Fish and Game to undertake investigation to determine the feeding habits of marine animals and the relationship between them and the abundance of fish, the investigation to include a study of control methods if such are found necessary; and be it further

Resolved, That the State Department of Fish and Game be urged to seek funds from the federal aid to fisheries program, commonly known as the Saltonstall-Kennedy Act, to defray the cost of the investigation; and be it further

Resolved, That copies of this resolution be directed to the members of the Fish and Game Commission and the Director of the State Department of Fish and Game.

RESOLUTION

Re: Pheasant Planting Program

WHEREAS, The statistics of the State Department of Fish and Game indicate that the hatchery raised and planted pheasants constitute approximately only 3 percent of the total bag taken by hunters in the State; and

WHEREAS, Investigations by the State Department of Fish and Game appear to indicate that hatchery raised and released birds are not able to establish and propagate themselves in the wild state; and

WHEREAS, In those areas which provide good natural habitat and environmental conditions for natural propagation of wild birds, the percentage of released birds in the total bag taken by hunters is considerably less than 3 percent; and

WHEREAS, There are areas of the State, particularly in the southern part, where natural habitat and environmental conditions are not conducive to the propagation of wild pheasants; and

WHEREAS, In such areas the release of hatchery raised birds just prior to the opening of the season would constitute a relief of hunter pressure in the areas having adequate natural habitat, and

WHEREAS, The costs experienced by the State Department of Fish and Game in hatching, rearing and planting pheasants appear to be excessive; and

WHEREAS, There appears to be a considerable body of opinion among pheasant hunters that the size of the present raising and planting program is excessive and unnecessary; now, therefore, be it

Resolved, That the State Department of Fish and Game initiate a re-evaluation of its pheasant raising and planting program with a view toward gradually eliminating raising and planting of birds in those

areas which provide natural conditions adequate to the natural propagation and increase of wild pheasants; and be it further

Resolved, That the State Department of Fish and Game continue the raising and planting of birds in those areas where the natural habitat and environmental conditions are such that wild birds cannot be expected to breed and increase; and be it further

Resolved, That in the phase to be continued the costs of rearing the birds to the time of release be carefully refined so that they may be compared with the cost of commercially raised birds with a view to supplanting department raised birds with commercial birds if they prove to be more economical; and be it further

Resolved, That copies of this resolution be directed to the members of the Fish and Game Commission and the Director of the Department of Fish and Game.

RESOLUTION

Re: Prairie Creek Hatchery

WHEREAS, The statistics of the State Department of Fish and Game appear to indicate that Prairie Creek Hatchery is the most uneconomical to operate of all its hatcheries, due to age, size and water problems; and

WHEREAS, The State Department of Fish and Game has indicated its intention to cease operations at this hatchery and dispose of the property; and

WHEREAS, The Supervisors of Humboldt County have indicated their desire to acquire the Prairie Creek Hatchery to operate it as a hatchery on a small scale and for other purposes; and

WHEREAS, The Wildlife Management Department of Humboldt State College has indicated interest in the hatchery for instructional and research purposes; now, therefore, be it

Resolved, That the Assembly Interim Committee on Fish and Game urge the Legislature and the State Department of Fish and Game to transfer the Prairie Creek Hatchery property to Humboldt County, to be operated as a hatchery on a limited basis, and with the understanding that Humboldt State College will be afforded the opportunity to make use of the hatchery for instructional and research purposes.

RESOLUTION

Re: Research

WHEREAS, The ocean fisheries are a source of great economic value to the people of the State of California, providing food and recreation to millions and a means of livelihood to tens of thousands; and

WHEREAS, The abundance of some of the important species of fish seems to be declining; and

WHEREAS, Maintaining and increasing the catches of ocean fish depends upon the complete knowledge of all the factors that cause changes of abundance; and

WHEREAS, Such knowledge can be obtained only from a well-balanced research program; and

WHEREAS, Expansion of the present research program of the Department of Fish and Game to the required level is not possible at the present time because revenues in the Fish and Game Preservation Fund are inadequate to meet the current needs of the Department of Fish and Game; and

WHEREAS, The marine sport and commercial fishing industries of the State of California provide substantial revenues to the General Fund in the form of various taxes, yet are the only major natural resource industries in the State not receiving some form of assistance from the General Fund; now, therefore, be it

Resolved, That the Assembly Interim Committee on Fish and Game urge the Legislature to provide additional moneys from sources other than the Fish and Game Preservation Fund, possibly funds derived from the exploitations of a natural resource from an ocean area, i.e., the tidelands oil royalties, for an expanded ocean research program designed to obtain the necessary information in the shortest possible time on which to base ocean fisheries management; and be it further

Resolved, That such moneys be deposited in the Fish and Game Preservation Fund, to be expended only under the direction of a new board similar to either the Wildlife Conservation Board or the Marine Research Committee; and be it further

Resolved, That any moneys made available from sources other than the Fish and Game Preservation Fund for marine research be expended only in augmentation of marine research programs, and shall not be construed as in any way relieving expenditures for marine research carried on by the use of funds from the Fish and Game Preservation Fund; and be it further

Resolved, That copies of this resolution be directed to the Members of the Assembly Ways and Means Committee, to the members of the Fish and Game Commission and to the Director of the State Department of Fish and Game.

RESOLUTION

Re: Stream Pollution by Logging Debris

WHEREAS, The streams of the State, particularly in the north coastal region, are vital to the existence and maintenance of healthy and growing sports and commercial fisheries, particularly of salmon and steelhead; and

WHEREAS, The greatly expanded and expanding activities of the logging industry have already seriously damaged the ability of many streams to sustain and propagate fish life; and

WHEREAS, The activities of the logging industry constitute a continued and serious threat towards the contamination of streams as yet unaffected; and

WHEREAS, Some types of stream damage take many years to correct in the natural course of events; and

WHEREAS, The cost of stream clearance following contamination by logging debris far exceeds the cost of preventive measures; and

WHEREAS, The personnel of the State Division of Forestry and the Department of Fish and Game cannot now adequately prevent stream

contamination by logging debris, either because of lack of sufficient knowledge of the problems or because of the inadequacy of existing law; and

WHEREAS, The personnel of the State Division of Forestry and the Department of Fish and Game cannot now adequately enforce the clearance of streams already contaminated by logging debris because of the inadequacy of existing law, and

WHEREAS, The steadily and rapidly growing population of the State of California makes imperative the husbanding of all of the State's natural recreational resources; and

WHEREAS, The increasing availability of leisure time for the State's citizens and their increasing interest in sport fishing as a recreational outlet makes particularly imperative the necessity to preserve the State's fishing streams in as near their natural state as is possible and practical; now, therefore, be it

Resolved, That the Assembly Interim Committee on Fish and Game urge the Legislature to establish an interim investigation by an appropriate committee with the authority and the funds necessary to employ a qualified biologist from the University of California or from some source other than the State Department of Fish and Game, for the purpose of examining the problem in all its facets and ramifications; and be it further

Resolved, That the Legislature direct the State Department of Fish and Game and the State Division of Forestry to provide every possible assistance and cooperation in this investigation, without additional cost; and be it further

Resolved, That the investigating committee be urged to seek the assistance and advice of such federal agencies as have appropriate knowledge of the subject and problems involved, and be it further

Resolved, That copies of this resolution be directed to the Directors of the Departments of Natural Resources and Fish and Game and to the State Forester.

RESOLUTION

Re: Water Pollution

WHEREAS, It appears that the tremendous contribution that the coastal waters of California make to the economy of our State is not generally realized by the public; and

WHEREAS, The beaches and coastal waters of California are an absolutely irreplaceable part of our way of life, whose dollars and cents value are inestimable; and

WHEREAS, A Citizens Advisory Committee appointed by the Assembly Interim Committee on Fish and Game has studied the problem and shown that.

1. Almost 70 percent of the sewage and industrial wastes in California are discharged into our coastal waters;

2. Pollution of our coastal waters appears to be a serious and increasing hazard to our living marine resources;

3. Evidence is being accumulated that we believe will show the marine environment in the vicinity of sewage outfalls has been and is being seriously harmed;

4. The character and amount of sewage and industrial waste is rapidly changing in California and studies are urgenly needed to evaluate the effects of such waste discharges on our marine fish and aquatic life;

5. The orderly economic growth of California demands the establishment of new or expanded industries which are potentially large producers of industrial pollutants, which are deposited in fresh water streams where they may constitute a serious hazard to anadromous and other fresh water fish life;

6. There has been much public discussion of existing deplorable conditions state-wide such as we have in the San Francisco, Los Angeles and San Diego areas, and immediate corrective measures are necessary;

7. There is no question that a stronger state-wide pollution control program that recognizes the importance of protecting our marine resources is absolutely essential; now, therefore, be it

Resolved, That the Assembly Interim Committee on Fish and Game urge the Legislature to take steps to:

1. Encourage research to develop information on the effects of waste discharges on aquatic life;

2. Support and strengthen a state-wide pollution control, prevention and abatement program;

3. Do everything possible to emphasize the importance of protecting the marine and fresh water resources of California from the deleterious effects of waste discharges; and be it further

Resolved, That copies of this resolution be directed to Members of the Assembly and Senate of the California Legislature.

RECOMMENDATIONS

(Not requiring either bills or resolutions)

1. It is the recommendation of this committee that no action be taken at this time with respect to providing an additional patrol boat for Monterey Bay, since the present financial condition of the Fish and Game Preservation Fund is such that additional drains on it must be limited to items of an emergency nature in order to avoid reducing the balance to a disastrously low level.

2. The committee makes no recommendation with respect to quail hunting in the Anza and Borrego State Parks, since the question is one which apparently falls within the constitutional jurisdiction of the State Park Commission. In any case, there appears to be some constitutional question and until this can be resolved, this committee believes no further action should be taken.

3. The committee recommends that no further action be taken with respect to Assembly Bill No. 62 as amended, Assembly Bill No. 3823 and Assembly Bill No. 803 of the 1955 Legislative Session.

4. Since it appears that opening the Marin and Sonoma County coasts to commercial abalone fishing would require allowing fishing within

150 feet of shore and in water depths from 20 feet and over in order to make such fishing productive and since this would seriously encroach on the sport fishing for abalone, it is the recommendation of the committee that no change be made in the existing restrictions with respect to the Marin and Sonoma coasts at this time.

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REPORT TO THE LEGISLATURE
1957 SESSION

BY THE

ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME

Created Pursuant to House Resolution No. 240
1955 Regular Session

MEMBERS OF THE COMMITTEE

FRANK P. BELOTTI, *Chairman*
PAULINE L. DAVIS, *Vice Chairman*

JACK A BEAVER
J. WARD CASEY
THOMAS J. DOYLE
THOMAS M. ERWIN
WILLIAM S. GRANT
H. W. "PAT" KELLY
EUGENE G. NISBET
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N. B KELLER, *Executive Secretary*

Published by the
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OF THE STATE OF CALIFORNIA

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Speaker

HON. CHARLES J. CONRAD
Speaker pro Tempore

HON. RICHARD H. McCOLLISTER
Majority Floor Leader

HON. WILLIAM A. MUNNELL
Minority Floor Leader

ARTHUR A. OHNIMUS
Chief Clerk

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LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME

March 4, 1957

HON. L. H. LINCOLN
Speaker of the Assembly; and

MEMBERS OF THE ASSEMBLY
Assembly Chamber, Sacramento, California

GENTLEMEN: Your committee, created pursuant to House Resolution No. 240, 1955 Regular Session of the California Legislature, has the honor to submit herewith the final report of its activities during the interim following the close of the 1955 session.

Contained therein are narratives of the committee's field trips together with brief excerpts of testimony received at its various hearings. The committee's recommendations which were the subject of a preliminary report under date of January 7, 1957, are also included.

The report also contains a description of the work of the "Citizens' Advisory Committee" appointed by your committee to aid it in reaching conclusions with respect to problems of mutual interest to both the sports and commercial fishing industries.

Your committee is indebted to the members of the "Citizens' Advisory Committee" and to various members of the Department of Fish and Game who rendered unstinting service under trying conditions.

The committee wishes also to express its appreciation for the assistance rendered by members of the staff of the Legislative Auditor who were principally responsible for the writing of this report.

Respectfully submitted,

FRANK P. BELOTTI,
Chairman

PAULINE L. DAVIS,
Vice Chairman

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ENABLING RESOLUTION

HOUSE RESOLUTION No. 240

Relative to constituting the Assembly Standing Committee on Fish and Game an interim committee

Resolved by the Assembly of the State of California, as follows:

1. The Assembly Standing Committee on Fish and Game of the 1955 Regular Session is hereby constituted an interim committee and is authorized and directed to ascertain, study and analyze all facts relating to the propagation, protection, and taking by sportsmen and commercial interests of fish and game, including, but not limited to game farms, game areas and management areas, game refuges, fish hatcheries, the opening and closing of waters around Catalina Island and in other areas, netting in the inland waters of the State, the utilization of the public domain for the propagation of fish and game, the effect of the taking of fish and game by sportsmen and commercial interests on future generations of citizens, and all other matters directly or indirectly dealing with, related to, or affecting fish and game or the enjoyment by the people of their constitutionally guaranteed interest therein, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of the Members of the Assembly Standing Committee on Fish and Game for the 1955 Regular Session. The chairman and vice chairman shall be the chairman and vice chairman of the standing committee. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1957 Regular Session, with authority to file its final report not later than the fifth legislative day after the constitutional recess during such session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To travel, or appoint a subcommittee or committee employee to travel, within or outside of this State and the United States in pursuing the investigation committed to it.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RECOMMENDATIONS OF THE ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME

The following recommendations are in the form of suggested bills, resolutions and direct recommendations where neither bills nor resolutions were considered necessary:

(Pro Forma Bill)

An act to amend Sections 717.1 and 748 of the Fish and Game Code, relating to anchovies and yellowtail, declaring the urgency thereof, to take effect immediately.

SECTION 1. Section 717.1 of the Fish and Game Code is amended to read:

717.1. During each of the 12-month periods beginning with ~~July 1, 1955,~~ *July 1, 1957,* and ~~July 1, 1956,~~ *July 1, 1958,* the total amount of yellowtail which may be taken or received for commercial canning purposes shall be not more than 3,000 tons in the round.

From time to time the department shall make public announcement of the landing trends in order that all interested groups may be informed. The department shall estimate from the current trend of landings the prospective data on which the season's quota will be reached and shall recommend that date to the commission as the closing date of the season for yellowtail canning.

The department shall inform the commission and publicly announce the date when the season should be closed, and on that date the commission shall close the season; provided, however, that if the quota is not reached by the date announced, the department is hereby authorized to permit continuation of fishing for a period not to exceed 10 days or until the quota is reached, whichever occurs first.

No person shall take or receive yellowtail for canning between said announced date and the next following first day of July. In the absence of any anouncement that the total will be reached before the end of the 12-month period, yellowtail canning may continue until the end of the 12-month period specified herein.

In the event that cannery receipts should exceed the quota specified between the time the announcement is made and the effective date for closure, no penalty shall accrue.

Nothing in this section shall prohibit the canning of yellowtail for the personal use of the fishermen; provided, that no such canned yellowtail may be sold. Yellowtail for personal noncommercial canning is not included in the total tonnage specified herein.

The commission is hereby authorized to adopt regulations pursuant to the provisions of this section to govern the termination of the yellowtail canning season.

SEC. 2. Section 748 of said code is amended to read:

748. During the period from ~~September 1, 1955,~~ *April 1, 1957,* to ~~March 31, 1956,~~ *March 31, 1958,* the total amount of anchovies which

may be taken or received for canning, including canned pet food, shall be not more than ~~21,000~~ *35,000* tons. During the period from ~~April 1, 1956.~~ *April 1, 1958*, to ~~March 31, 1957.~~ *March 31, 1959,* the total amount of anchovies which may be taken or received for canning, including canned pet food, shall be not more than 35,000 tons.

From time to time the department shall make public announcement of the landing trends in order that all interested groups may be informed. The department shall estimate from the current trend of landings the prospective date on which the season's quota will be reached, and shall recommend that date to the commission as the closing date of the season for anchovy canning.

The department shall inform the commission and publicly announce the date when the season should be closed, and on that date the commission shall close the season; provided, however, that if the quota is not reached by the date announced the department is hereby authorized to permit continuation of fishing for a period not to exceed 10 days or until the quota is reached, whichever occurs first.

No person shall take or receive anchovies for canning between said announced date and the next following first day of April. In the absence of any announcement that the total will be reached before the end of the season specified herein, anchovy canning may continue until the end of the season specified.

In the event that cannery receipts should exceed the quota specified between the time the announcement is made and the effective date for closure, no penalty shall accrue.

No anchovies less than five inches in length measured from tip of snout to tip of tail may be purchased for any purpose except for use as bait; provided, that the allowable percentage of undersized anchovies which may be contained in any load or lot purchased shall be not more than 25 percent by weight of all anchovies in said load or lot.

The commission is hereby authorized to adopt regulations pursuant to the provisions of this section to govern the termination of the anchovy canning season and the manner in which the percentage of undersized anchovies will be determined.

SEC. 3. Sections 1 and 2 of this act constitutite an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and said sections shall go into immediate effect. The facts constituting such necessity are:

The anchovy and yellowtail fisheries are among the most important of the State's fishery industries, contributing greatly to the wealth and prosperity of the people, providing valuable food and by-products, and recreational fishing. Indications are that these fish have or may become scarce, causing distress to the industry. Maintenance of these fisheries at a high level of productivity is essential to the well-being of the State's industry, including recreational fishing. In order to provide for the regulation of the 1957 fisheries during the summer it will be necessary for this act to be in effect on April 1, 1957.

(Pro Forma Bill)

An act to amend Section 787.5 and add Section 970.1 to the Fish and Game Code, relating to crabs.

SECTION 1. Section 787.5 of the Fish and Game Code is amended to read:

787.5. Notwithstanding any other provision of this code or any rules or regulations made pursuant to this code: Crabs may be taken in Districts 6, 7, 8, and 9 betwen December 15th to June 30th. Crabs may be taken in all other districts between November 15th to May 31st. Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

~~On and after the opening date of the 1956-57 crab season, each crab trap shall have one rigid circular opening of not less than four inches inside diameter so constructed that the lowest portion of the opening is no lower than five inches from the top of the trap.~~

This section shall remain in effect until the ninety-first day after the final adjournment of the ~~1957~~ *1959* Regular Session of the Legislature.

SEC. 2. Section 970.1 is added to the Fish and Game Code, to read:

970.1. On and after the opening date of the 1957-58 crab season, each crab trap shall have one rigid circular opening of not less than four inches inside diameter so constructed that the lowest portion of the opening is no lower than five inches from the top of the trap.

(Pro Forma Bill)

An act to amend Sections 651 and 651.1 of the Fish and Game Code, relating to salmon, declaring the urgency thereof, to take effect immediately.

SECTION 1. Section 651 of the Fish and Game Code is amended to read:

651. In Districts 6, 7, 8, 9, 10, 11, 15, 16, 17, ~~and~~ 18 *and 19* salmon may be taken by hook and line between ~~May 1st~~ *April 15th* and ~~September 30th.~~ *September 15th.* There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 25 inches in length, measured from tip of the snout to the extreme tip of the tail.

SEC. 2. Section 651.1 of the Fish and Game Code is amended to read:

651.1. In Districts 6, 7, 10, 11, 15, 16, 17, ~~and~~ 18 *and 19*, under the authority of a commercial fishing license, king salmon may be taken by hook and line between ~~May 1st~~ *April 15th* and ~~September 30th.~~ *September 15th.* Silver salmon may be taken by hook and line between July 1st and ~~September 30th.~~ *September 15th.* There is no bag limit. No such king salmon may be less than 26 inches in length and no such salmon may be less than 22 inches in length, measured from tip of the snout to the extreme tip of the tail.

It is unlawful to import into this State any king or silver salmon less than the lengths prescribed herein.

This section shall be in full force and effect only during such times that the States of Oregon and Washington have in effect laws or reg-

ulations prohibiting the taking of silver salmon by commercial trolling prior to July 1st of any year. At all other times, Sections 651 and 660 shall remain in effect insofar as commercial fishing is concerned. Upon receipt of statements annually from the Secretaries of State of the States of Oregon and Washington that such laws or regulations are in effect, the Secretary of State shall notify the department that Section 651.1 is in effect for the year concerned. In order for this section to be effective such notification must be made prior to April 15th of each year.

SEC. 3. The salmon fishery is one of the State's most important commercial fishery industries, contributing substantially to the wealth and prosperity of the people, providing a valuable food source and important by-products.

At present the opening date for this fishery in the States of Oregon and Washington is April 15th, whereas the opening date in this State is May 1st, giving an unfair advantage to the commercial fishermen of those states and discriminating against the fishermen of this State. Furthermore, the April 15th opening would provide better fishing in the Monterey Bay area. In order to provide for the regulation of the 1957 fishery, it will be necessary for this act to be in effect as of April 15, 1957.

(Pro Forma Bill)

An act to amend Section 887 of the Fish and Game Code, relating to the Salton Sea and corvina.

SECTION 1. Section 887 of the Fish and Game Code is amended to read:

887. ~~The commission may issue a revocable permit to take with set gill nets, or seines, mullet or carp in the waters of the Salton Sea and in these portions of the New and Alamo Rivers up-stream one mile from their mouths as marked by the commission, under commercial license, subject to such restrictions as the commission deems advisable.~~

~~(a) No fish other than mullet or carp, and no mullet less than 11 inches in length may be taken or possessed by a licensed commercial fisherman while fishing in Salton Sea, and the New and Alamo Rivers.~~

~~(b) No commercial fishing under this section shall be carried on within the boundaries of any state or federal game refuge.~~

~~(c) It is unlawful to possess gill nets, seines, or other devices capable of being used to take mullet or carp for commercial purposes, within 500 yards of the Salton Sea and those portions of the New and Alamo Rivers designated as commercial fishing waters lying in District 22, except during such open season as may be prescribed by the commission.~~ *The Salton Sea is closed to commercial fishing for all species other than shellfish.*

~~(d)~~ *(a)* Notwithstanding the provisions of this section, it shall be lawful for any holder of a sporting fishing license to take mullet or carp in Salton Sea or any portions of the New or Alamo Rivers at any time of the year, between one hour before sunrise and one hour after sunset. The daily bag limit and possession limit is 20 pounds and one fish in the aggregate. No such fish may be sold. Mullet and carp so taken by sport fishermen may be taken by use of the hands, by

line with one or more hooks, or by use of dip nets not greater than six feet in diameter.

~~(c)~~ *(b)* Notwithstanding the provisions of this section, it shall be lawful for any holder of a sporting fishing license to take only by angling 10-pounders (Elops affinis) in District 22 at any time of the year between one hour before sunrise and one hour after sunset. The daily bag limit is five fish irrespective of size. Not more than one daily limit may be possessed by any person during any one day. No such 10-pounders may be sold.

(c) Notwithstanding the provisions of this section, it shall be lawful for any holder of a sporting fishing license to take only by angling corvina (Cynocion xanthulus) in the Salton Sea or any portions of the New or Alamo Rivers at any time of the year, between one hour before sunrise and one hour after sunset. The daily bag and possession limit shall be as established by the Fish and Game Commission. No such fish may be sold.

(Pro Forma Bill)

An act to amend Section 1065 of the Fish and Game Code, relating to sardines, declaring the urgency thereof, to take effect immediately.

SECTION 1. Section 1065 of the Fish and Game Code is amended to read:

1065. Sardines may be taken for use in a reduction plant, or by a packer, only in accordance with the provisions of this article, as follows: in Districts 4, 4¾ and those portions of Districts 3½ and 18 lying south of a line running east and west through Point Arguello, 19, 20A and 21, between October 1st and February 1st, inclusive; elsewhere in the State, except in Districts 19A and 20, between August 1st and January 15th. Sardines may be taken at any time on or after but not prior to ~~June 1, 1957,~~ *June 1, 1959,* for the purpose of salting, curing, smoking or drying, or for the purpose of packing in cans commonly known as quarter-pound or square cans less than 10 ounces in net weight; provided, that in a 10-ounce can, fish of a size not less than eight fish to the can may be used. Sardines may be packed in their own natural oil.

SEC. 2. The sardine fishery is among the State's most important fishery industries, contributing importantly to the wealth and prosperity of the people, providing a valuable food source, important by-products and contributing to recreational fishing. Indications are that these fish have or may become scarce, causing distress to the industry. Maintenance of this fishery at a high level of productivity is essential to the well being of the State's industry including recreational fishing. In order to provide for the regulation of the 1957 fishery during the summer, it will be necessary for this act to be in effect on June 1, 1957.

Resolution

Re: Big Game

WHEREAS, The open season on either-sex antlerless deer established by the Fish and Game Commission for the last three days of the open

season on inland deer in 1956 resulted in an indiscriminate, senseless and unsportsmanlike slaughter of animals; and

WHEREAS, The setting of the three-day open season occurring at the end of all open deer seasons resulted in an unprecedented concentration of hunters in comparatively limited areas; and

WHEREAS, The setting of the three-day open season occurred at a time when the migratory herds were moving over comparatively narrow and well-defined trails, making them an unusually good target; and

WHEREAS, The residents of the areas wherein this slaughter occurred and many sportsmen have decided and condemned this useless and needless slaughter; now, therefore, be it

Resolved, That the Assembly Interim Committee on Fish and Game unanimously express horrification at the results of the three-day slaughter, and censure and condemn the State Commission on Fish and Game and the State Department of Fish and Game for taking this ill-conceived and ill-advised action; and be it further

Resolved, That the State Asembly is urged to establish an investigation, by an appropriate committee, of the entire problem of deer herd management, including but not limited to the following ideas:

a. The issuance of tags for specified areas.
b. The establishment of a separate group or committee to manage the interstate deer herds, possibly one which would be on a tri-state cooperative basis with Oregon and Nevada.

Resolution

Re: Colorado River and Palo Verde Valley

WHEREAS, The tremendous previous and future growth of the population of Southern California makes imperative the establishment of additional hunting, fishing and recreational areas, readily accessible to Southern California; and

WHEREAS, The urban and suburban expansion in the southern part of the State have destroyed the recreational usefulness of many areas previously available for hunting, fishing and recreation purposes; and

WHEREAS, The Palo Verde Valley of the Colorado River is being gradually reduced in hunting, fishing and recreational value by the encroachment of farming squatters; and

WHEREAS, The United States Bureau of Reclamation is apparently making no useful employment of the withdrawn lands contiguous to the Colorado River including the Palo Verde Valley; and

WHEREAS, The United States Bureau of Reclamation is apparently making no plans or efforts toward preserving or enhancing the recreational usefulness of the withdrawn lands contiguous to the Colorado River; and

WHEREAS, The stabilized flow of the Colorado River has caused the disappearance of many marsh lands and flooded lands which previously served as feeding and resting areas for wild waterfowl; and

WHEREAS, The wild waterfowl that used to feed along the Colorado River now come into the Imperial Valley and cause considerable depredations; now, therefore, be it

Resolved, That the Assembly Interim Commitee on Fish and Game urge the Legislature to memorialize Congress to the end that the

United States Bureau of Reclamation turn over to the State of California the withdrawn lands contained in the Palo Verde Valley and other withdrawn lands contiguous to the Colorado River, useful for recreational purposes, to be operated by the State of California as Wildlife Management Areas; and be it further

Resolved, That the Wildlife Conservation Board be urged to take all steps and actions necessary to expedite the acquisition of these lands from the Federal Government; and be it further

Resolved, That the State Department of Fish and Game is urged to formulate plans for the use of these lands and to render every assistance to the Wildlife Conservation Board in their acquisition; and be it further

Resolved, That copies of this resolution be directed to Members of the Legislature, members of the Wildlife Conservation Board and the Director of the Department of Fish and Game.

Resolution

Re: Lower Klamath River

WHEREAS, The lower Klamath River affords outstanding opportunities for sport fishing and recreation; and

WHEREAS, The lower Klamath River is an essential water transportation medium for the State's important logging industry; and

WHEREAS, It is imperative that both the sport fishery and the logging industry make joint use of the river with a minimum encroachment, each upon the other; and

WHEREAS, The use of the lower Klamath River by the logging industry may upon occasion result in excessive amounts of bark and other debris in the river, which may be detrimental to the sport fishery; and

WHEREAS, The State Lands Commission has within its power the means to minimize encroachment and friction between the sport fishery and the logging industry; now, therefore, be it

Resolved, That the Assembly Committee on Fish and Game hereby urges the State Lands Commission to take the following actions:

1. Establish rules and regulations with respect to the operation of log landings on state lands contiguous to the lower Klamath River.
2. Establish minimum specifications for bark traps to be operated in connection with every log landing and/or reload.
3. Establish criteria with respect to the efficiency and effectiveness of the operation of bark traps.
4. Publish the foregoing so that personnel of the State Division of Forestry, Department of Fish and Game and local governmental officials will have knowledge of them and thereby assist in enforcement or notification to the State Lands Commission that violations are taking place.
5. Issue permits for the establishment of log landings or reloads on state lands contiguous to the lower Klamath River only subject to the above and suspendable or revocable in the event of noncompliance; and be it further

Resolved, That copies of this resolution be directed to the members of the State Lands Commission and its executive staff.

Resolution

Re: Marine Animals

WHEREAS, Sea lions and other marine animals occur in large numbers in coastal fishing areas; and

WHEREAS, Such animals apparently feed on food fish and many people believe that they are unduly destructive; and

WHEREAS, Little information is available on the effect of these animals on the fish supply; now, therefore, be it

Resolved, That the Assembly Interim Committee on Fish and Game urge the State Department of Fish and Game to undertake investigation to determine the feeding habits of marine animals and the relationship between them and the abundance of fish, the investigation to include a study of control methods if such are found necessary; and be it further

Resolved, That the State Department of Fish and Game be urged to seek funds from the federal aid to fisheries program, commonly known as the Saltonstall-Kennedy Act, to defray the cost of the investigation; and be it further

Resolved, That copies of this resolution be directed to the members of the Fish and Game Commission and the Director of the State Department of Fish and Game.

Resolution

Re: Pheasant Planting Program

WHEREAS, The statistics of the State Department of Fish and Game indicate that the hatchery raised and planted pheasants constitute approximately only 3 percent of the total bag taken by hunters in the State; and

WHEREAS, Investigations by the State Department of Fish and Game appear to indicate that hatchery raised and released birds are not able to establish and propagate themselves in the wild state; and

WHEREAS, In those areas which provide good natural habitat and environmental conditions for natural propagation of wild birds, the percentage of released birds in the total bag taken by hunters is considerably less than 3 percent; and

WHEREAS, There are areas of the State, particularly in the southern part, where natural habitat and environmental conditions are not conducive to the propagation of wild pheasants; and

WHEREAS, In such areas the release of hatchery raised birds just prior to the opening of the season would constitute a relief of hunter pressure in the areas having adequate natural habitat; and

WHEREAS, The costs experienced by the State Department of Fish and Game in hatching, rearing and planting pheasants appear to be excessive; and

WHEREAS, There appears to be a considerable body of opinion among pheasant hunters that the size of the present raising and planting program is excessive and unnecessary; now, therefore, be it

Resolved, That the State Department of Fish and Game initiate a re-evaluation of its pheasant raising and planting program with a view toward gradually eliminating raising and planting of birds in those

areas which provide natural conditions adequate to the natural propagation and increase of wild pheasants; and be it further

Resolved, That the State Department of Fish and Game continue the raising and planting of birds in those areas where the natural habitat and environmental conditions are such that wild birds cannot be expected to breed and increase; and be it further

Resolved, That in the phase to be continued the costs of rearing the birds to the time of release be carefully refined so that they may be compared with the cost of commercially raised birds with a view to supplanting department raised birds with commercial birds if they prove to be more economical; and be it further

Resolved, That copies of this resolution be directed to the members of the Fish and Game Commission and the Director of the Department of Fish and Game.

Resolution

Re: Prairie Creek Hatchery

WHEREAS, The statistics of the State Department of Fish and Game appear to indicate that Prairie Creek Hatchery is the most uneconomical to operate of all its hatcheries, due to age, size and water problems; and

WHEREAS, The State Department of Fish and Game has indicated its intention to cease operations at this hatchery and dispose of the property; and

WHEREAS, The Supervisors of Humboldt County have indicated their desire to acquire the Prairie Creek Hatchery to operate it as a hatchery on a small scale and for other purposes; and

WHEREAS, The Wildlife Management Department of Humboldt State College has indicated interest in the hatchery for instructional and research purposes; now, therefore, be it

Resolved, That the Assembly Interim Committee on Fish and Game urge the Legislature and the State Department of Fish and Game to transfer the Prairie Creek Hatchery property to Humboldt County, to be operated as a hatchery on a limited basis, and with the understanding that Humboldt State College will be afforded the opportunity to make use of the hatchery for instructional and research purposes.

Resolution

Re: Research

WHEREAS, The ocean fisheries are a source of great economic value to the people of the State of California, providing food and recreation to millions and a means of livelihood to tens of thousands; and

WHEREAS, The abundance of some of the important species of fish seems to be declining; and

WHEREAS, Maintaining and increasing the catches of ocean fish depends upon the complete knowledge of all the factors that cause changes of abundance; and

WHEREAS, Such knowledge can be obtained only from a well-balanced research program; and

WHEREAS, Expansion of the present research program of the Department of Fish and Game to the required level is not possible at the pres-

ent time because revenues in the Fish and Game Preservation Fund are inadequate to meet the current needs of the Department of Fish and Game; and

WHEREAS, The marine sport and commercial fishing industries of the State of California provide substantial revenues to the General Fund in the form of various taxes, yet are the only major natural resource industries in the State not receiving some form of assistance from the General Fund; now, therefore, be it

Resolved, That the Assembly Interim Committee on Fish and Game urge the Legislature to provide additional moneys from sources other than the Fish and Game Preservation Fund, possibly funds derived from the exploitations of a natural resource from an ocean area, i.e., the tidelands oil royalties, for an expanded ocean research program designed to obtain the necessary information in the shortest possible time on which to base ocean fisheries management; and be it further

Resolved, That such moneys be deposited in the Fish and Game Preservation Fund, to be expended only under the direction of a new board similar to either the Wildlife Conservation Board or the Marine Research Committee; and be it further

Resolved, That any moneys made available from sources other than the Fish and Game Preservation Fund for marine research be expended only in augmentation of marine research programs, and shall not be construed as in any way relieving expenditures for marine research carried on by the use of funds from the Fish and Game Preservation Fund; and be it further

Resolved, That copies of this resolution be directed to the Members of the Assembly Ways and Means Committee, to the members of the Fish and Game Commission and to the Director of the State Department of Fish and Game.

Resolution

Re: Stream Pollution by Logging Debris

WHEREAS, The streams of the State, particularly in the north coastal region, are vital to the existence and maintenance of healthy and growing sports and commercial fisheries, particularly of salmon and steelhead; and

WHEREAS, The greatly expanded and expanding activities of the logging industry have already seriously damaged the ability of many streams to sustain and propagate fish life; and

WHEREAS, The activities of the logging industry constitute a continued and serious threat towards the contamination of streams as yet unaffected; and

WHEREAS, Some types of stream damage take many years to correct in the natural course of events; and

WHEREAS, The cost of stream clearance following contamination by logging debris far exceeds the cost of preventive measures; and

WHEREAS, The personnel of the State Division of Forestry and the Department of Fish and Game cannot now adequately prevent stream contamination by logging debris, either because of lack of sufficient knowledge of the problems or because of the inadequacy of existing law; and

WHEREAS, The personnel of the State Division of Forestry and the Department of Fish and Game cannot now adequately enforce the clearance of streams already contaminated by logging debris because of the inadequacy of existing law; and

WHEREAS, The steadily and rapidly growing population of the State of California makes imperative the husbanding of all of the State's natural recreational resources; and

WHEREAS, The increasing availability of leisure time for the State's citizens and their increasing interest in sport fishing as a recreational outlet makes particularly imperative the necessity to preserve the State's fishing streams in as near their natural state as is possible and practical; now, therefore, be it

Resolved, That the Assembly Interim Committee on Fish and Game urge the Legislature to establish an interim investigation by an appropriate committee with the authority and the funds necessary to employ a qualified biologist from the University of California or from some source other than the State Department of Fish and Game, for the purpose of examining the problem in all its facets and ramifications; and be it further

Resolved, That the Legislature direct the State Department of Fish and Game and the State Division of Forestry to provide every possible assistance and cooperation in this investigation, without additional cost; and be it further

Resolved, That the investigating committee be urged to seek the assistance and advice of such federal agencies as have appropriate knowledge of the subject and problems involved; and be it further

Resolved, That copies of this resolution be directed to the Directors of the Departments of Natural Resources and Fish and Game and to the State Forester.

Resolution

Re: Water Pollution

WHEREAS, It appears that the tremendous contribution that the coastal waters of California make to the economy of our State is not generally realized by the public; and

WHEREAS, The beaches and coastal waters of California are an absolutely irreplaceable part of our way of life, whose dollars and cents value are inestimable; and

WHEREAS, A Citizens Advisory Committee appointed by the Assembly Interim Committee on Fish and Game has studied the problem and shown that:

1. Almost 70 percent of the sewage and industrial wastes in California are discharged into our coastal waters;

2. Pollution of our coastal waters appears to be a serious and increasing hazard to our living marine resources;

3. Evidence is being accumulated that we believe will show the marine environment in the vicinity of sewage outfalls has been and is being seriously harmed;

4. The character and amount of sewage and industrial waste is rapidly changing in California and studies are urgently needed to eval-

uate the effects of such waste discharges on our marine fish and aquatic life;

5. The orderly economic growth of California demands the establishment of new or expanded industries which are potentially large producers of industrial pollutants, which are deposited in fresh water streams where they may constitute a serious hazard to anadromous and other fresh water fish life;

6. There has been much public discussion of existing deplorable conditions state-wide such as we have in the San Francisco, Los Angeles and San Diego areas, and immediate corrective measures are necessary;

7. There is no question that a stronger state-wide pollution control program that recognizes the importance of protecting our marine resources is absolutely essential; now, therefore, be it

Resolved, That the Assembly Interim Committee on Fish and Game urge the Legislature to take steps to:

1. Encourage research to develop information on the effects of waste discharges on aquatic life;

2. Support and strengthen a state-wide pollution control, prevention and abatement program;

3. Do everything possible to emphasize the importance of protecting the marine and fresh water resources of California from the deleterious effects of waste discharges; and be it further

Resolved, That copies of this resolution be directed to Members of the Assembly and Senate of the California Legislature.

RECOMMENDATIONS

(Not requiring either bills or resolutions)

1. It is the recommendation of this committee that no action be taken at this time with respect to providing an additional patrol boat for Monterey Bay, since the present financial condition of the Fish and Game Preservation Fund is such that additional drains on it must be limited to items of an emergency nature in order to avoid reducing the balance to a disastrously low level.

2. The committee makes no recommendation with respect to quail hunting in the Anza and Borrego State Parks, since the question is one which apparently falls within the constitutional jurisdiction of the State Park Commission. In any case, there appears to be some constitutional question and until this can be resolved, this committee believes no further action should be taken.

3. The committee recommends that no further action be taken with respect to Assembly Bill No. 62 as amended, Assembly Bill No. 3823 and Assembly Bill No. 803 of the 1955 Legislative Session.

4. Since it appears that opening the Marin and Sonoma County coasts to commercial abalone fishing would require allowing fishing within 150 feet of shore and in water depths from 20 feet and over in order to make such fishing productive and since this would seriously encroach on the sport fishing for abalone, it is the recommendation of the committee that no change be made in the existing restrictions with respect to the Marin and Sonoma coasts at this time.

INTRODUCTION

This committee, in recognition of the ever increasing pressures on the fish and game of California and the need for constant surveillance of laws applicable thereto for wise management over specific species and specific areas, undertook the task of evaluating the problems relative to this natural resource so that positive, soundly based recommendations could be formulated for presentation to the Legislature at its 1957 Session.

Realizing the impact of any proposed action on the commercial and sports economies of the State, a sincere effort was made to invite the full participation of all interested factions to insure a just appraisal of the problems involved, including that very important aspect of conservation, the protection and sustained yield of the State's natural wild life.

In addition to this general field of review, specific subjects were referred to the committee for its consideration and recommendation including:

(1) A study of the problems arising from the multiple use of the Klamath River for fishing, logging and other purposes.
(2) A study of the problems of crab fishing, including the advisability of establishing a seasonal bag limit, and limiting the number of crab traps per fisherman.

Specific bills of the 1955 Session referred to the committee for interim study were:

A. B. 803—To place a limit in possession on barracuda.
A. B. 1314—To regulate the taking of harmless reptiles, the posting of signs and establishment of centers for scientific or educational purposes.
A. B. 1999—To open a portion of District 10 north of Point Lobos to commercial abalone fishing.
A. B. 3005—Conservation and management of big game resources, and creation of a Big Game Advisory Board.
A. B. 3368—Privilege tax on processing fish.
A B. 3823—To grant to the Fish and Game Commission the power to regulate commercial salt water fishing.

Methods Adopted to Consider the Problems

The committee approached the many problems of wild life management needing immediate attention by holding a series of public hearings as follows:

August 29, 1955, in Eureka, relative to the multiple use of the Klamath River.
August 31, 1955, in Fort Bragg, on the abalone resource.
November 15, 1955, in Woodland concerning the general field of upland game management.

November 17, 1955, in Fresno relative to the many problems of big game management.

December 5, 1955, in Los Angeles again on the aspects of big game management.

December 17, 1955, in El Centro in consideration of the many problems of inland fishing and upland game management.

January 25 and 26, 1956, in San Pedro on the subject matter contained in Assembly Bills Nos. 62, 3368 and 3823, barracuda regulations, halibut and the proposed continental shelf closure.

November 27, 1956, in Eureka on proposals of the Citizens Advisory Committee to the Assembly Interim Committee on Fish and Game and on general problems of fish and game management.

At its meeting on January 25-26, 1956, in San Pedro, the interim committee established a Citizens Advisory Committee composed of representatives of commercial and sport fishing groups to consider special subjects and bills affecting those factions in order to receive the reactions of this cross section of interests, to the subjects involved.

CHAPTER I

PROBLEMS RELATIVE TO THE LOWER KLAMATH RIVER

The Assembly Interim Committee on Fish and Game chose to consider, first, the problems relative to the multiple use of the Klamath River involving a controversy between sports fishermen and the logging industry as to what constituted the proper use of the lower Klamath River.

This problem had been developing for many years inasmuch as the sports fishermen who fish for salmon and steelhead trout in that area maintain that the logging industry, in using the lower 30 to 35 miles of the Klamath River for rafting logs downriver to the Town of Klamath, contaminated the river thereby with bark from the logs to the extent that the water was becoming untenable for fish life and that the rafting of logs during low water disturbed the river bottom in the shallower places, thereby destroying potential spawning grounds.

The loggers refuted this conception, contending that by their practices very little bark remained in the river, and that log rafting could not materially affect spawning in the shallower parts of the river inasmuch as the spawning activity in the lower reaches of the Klamath is relatively inconsequential, arguing that most spawning is confined to the upper reaches of the river or in the streams tributary to it.

In an attempt to become as completely oriented as possible with the then existing conditions of the Klamath and tributary streams in the time afforded, the committee participated in a conducted tour of the areas involved on August 27th, in conjunction with members of the Assembly Committee on Conservation, Planning, and Public Works. This involved a day-long trip on the Klamath River. The trip first went down river towards the actual mouth to view the sand bar which occludes most of the river mouth at that time of the year and from which sport fishermen, standing almost shoulder to shoulder, were casting for salmon and steelhead. Several log reload stations were viewed in operation, showing bark traps and in some cases conveyor belts for removing the bark from the traps onto the bank.

The convoy then started up river, in the course of which a number of log rafts, under tow, were encountered. The water level at this time was comparatively low and in some cases log rafts were found hung up in the shallower reaches of the river with the tow boats attempting to break them loose under maximum power effort. In every case, the rafts were finally dislodged but in the process the heavy logs in the rafts, which were primarily responsible for the snagging, caused a certain amount of gouging of the river bed which was visible as a brown discoloration in the water at that point.

Along the route the convoy first stopped to view some of the log reload installations on both banks just above the Town of Klamath. Here, too, it was noted that there were bark traps, wing dams and weirs in operation. Further on up the river the convoy stopped to view landing

points or dumps to which the logs were hauled from the woods by trucks and where they were sometimes debarked and then formed into rafts for the trip down river. At these points also, it was noted that slack water areas were created by wing dams and weirs which were designed both to provide quiet water in which to assemble the logs into rafts and to act as bark traps.

At various points along the river, on both banks, from time to time it was noted that runaway logs had become lodged. In some cases these logs had been caught afloat by the patrol and pulled in and anchored to the shore. In other cases these logs were simply stranded when the river level fell. The committee was informed that these individual logs primarily were strays that had broken loose from rafts, although occasionally they may have floated away from a landing. Since the day of the trip was Saturday, there was no visible activity with respect to the removal of these logs by the organization under contract to the logging industry. However, the committee was assured that these logs were removed periodically and that every effort was made to assure that they would not be left to float free and become navigational menaces.

During the course of the trip up-river, which reached a point approximately 35 miles above the mouth, the committee had the opportunity to see numerous fishermen casting from both banks, generally concentrated along the deeper and quieter reaches of the river. At the same time, there were many outboard power boats in evidence either moving up and down the river or trolling. In a number of instances it was noted that the passage of these small boats interfered with lines cast from the shore.

The committee noted during the trip that occasional pieces of floating bark were encountered. In some cases the bark was partially submerged so as to be a menace to the outboard motor shear pins during the course of the trip. The committee recognized the fact that the floating bark was one of the factors causing friction between the loggers and the sports fishermen, primarily because of the annoyance of sheared pins. However, there did not appear to be a sufficient amount of floating bark in the main river channel to constitute a contaminating danger to fish life.

On August 28th, several members of the committee were taken on a tour of logging operations by some of the local Department of Fish and Game warden personnel. These members had the opportunity to see small creeks and streams tributary to the Klamath River completely obliterated, in some cases, by earth moved into the stream bed to form a "cat" roadway and in other cases by being choked with logging debris. Some of the damage was current and being caused by active logging "shows." On the other hand some of the damage viewed was of very long standing, particularly where the streams had been clogged by redwood slash and debris the damage had remained over many years, since redwood decays and deteriorates very slowly.

The members of the committee viewing this damage expressed the thought that the potential threat to the fish life of the river was very great and that corrective action was urgently needed.

On August 29th, a public hearing was held in Eureka to consider all aspects of the problems of logging versus fishing interests relative to the Klamath River.

Following are representative although not verbatim excerpts of the hearing:

"The Klamath River Industries Association has made an agreement to voluntarily purchase a patrol boat and hire an operator to make daily trips of inspection up the river and to insure that all logs were picked up immediately upon escape from rafts The cost of this service would be borne by the member loggers of the association. The agreement required the loggers to install bark traps at the log dumps and reloads and to operate the tow boats in such a manner as not to interfere with the sports fishermen. * * * The loggers are doing everything that had been agreed to and most of the problems have been settled to everyone's satisfaction, thus appeasing the sportsmen and at the same time maintaining the vital lumber industry.

"In the event of violations the association calls upon the U. S. Corps of Engineers, the enforcement group of the association, and the State Lands Commission who issue warnings and instructions or take other actions as necessary. The patrol of the river does not extend into the tributaries. * * * Rafting is the most economical way to bring the logs down the river. However, if roads were built a good percentage of the logs would be trucked out of the woods instead of being rafted down-river.

"A special study committee has been selected from the logging industry to investigate log rafting and its effect on fish life. This committee, together with members of the Fish and Game Commission, members of the staff of the Department of Fish and Game and representatives of the Forest Products Industries, after making a thorough investigation of the Trinity-Klamath watershed, believe that present laws, if properly enforced, would take care of damage to the tributary streams.

"The river is cleaner than it has been for several years; furthermore, there has been a special effort made to see that it was clean last Saturday (the day of the committee's trip) as far as practical. * * * There is much to be desired yet in the way of improvement, despite the expense and the effort put forth by the logging industry. Much remains to be accomplished if the recreational value of the fishery is to be preserved and if the lives of the people using the river for recreational purposes are to be protected.

"The condition of the tributaries was a disgrace to the logging industry and a terrific economic loss to the people of the State of California.

"The U. S. Army Engineers consider log rafting as a legitimate aspect of navigation. Insofar as federal laws are concerned, the organization can administer the function only on its navigational value. * * * The Corps of Engineers prefers to deal with the loggers on an individual, personal basis, rather than to enter into legal proceedings with regard to removing stray logs from the river. Thus far the Corps of Engineers has received a great degree of cooperation from the loggers. * * * In considering navigational control of the river, fish life

is not taken into account by the Corps of Engineers since it has no navigational connotations.

"Three wing dams have been built on the river without authority from the Corps of Engineers. These dams destroyed some of the riffles * * * The application for the dredging of a riffle is put on public notice by the Corps of Engineers normally for 30 days to allow all interested parties to enter any comments or protests as desired. The notice is also referred to the State Lands Commission in Los Angeles, which would generally raise no objections if the dredging is in the interests of navigation. * * * Objections raised by sports fishing representatives would not alter decisions made by the corps unless they affected navigation.

"The Legislature has delegated to the State Lands Commission the management of the sovereign lands of the State, which include the Klamath River * * * The Legislature has also declared the Klamath River navigable to its junction with the Shasta River which is about 10 miles below the Copco Dam.

"The State Lands Commission and the U S. Corps of Engineers have concurrently issued permits for 10 or 12 log dumps in the upper reaches of the lower river and five reloads in the lower reaches of the river. Permits are based on specific plans submitted which cover the amount of navigable waters of the State to be occupied, the inclusion of a bark trap, the guarantee that when operations are over the project will be removed from the river, and a rental for the land occupied payable to the State based on a minimum of $100 per year per operation, or 6.6 percent of the appraised value of the land, whichever is higher.

"The only function that the State Lands Commission has in regard to dredging operations is to require that the one doing the dredging, after receiving a Corps of Engineers permit, deposit the spoils in such manner as seems most beneficial for all concerned. * * * The State Land Commission has no authority to order a channel dredged or to deny the right to dredge one In practice, applications for dredging operations which have been filed with the Corps of Engineers are subsequently filed with the State Lands Commission which in turn indicates to the Corps of Engineers that it has no objections. The only consideration given to a dredging operation both by the Corps of Engineers and the State Lands Commission is its effect on navigation and not its effect on fishing or other public use purposes * * * In any case the action of the Corps of Engineers takes precedence over any actions of the State Lands Commission insofar as navigation is concerned.

"The State Lands Commission does not have the responsibility or duty to control navigation on the Klamath River. The Corps of Engineers has that authority but lacks the funds for the purpose and, consequently, policing functions for the Corps of Engineers are performed by the Coast Guard. In turn the Coast Guard, at present, lacks sufficient funds to patrol the Klamath River. An amount of $15,000 would be required by the Coast Guard to adequately patrol the river, particularly during the six months critical period. Consequently, there is no inspection made by the Coast Guard at the present time.

"The tributaries to the Klamath River are not considered sovereign lands of the State, if they are not navigable, and therefore do not come under the jurisdiction of the State Lands Commission. The United States, in its public lands surveys, when it designates the meander lines of a stream considers that a determination that the stream is navigable. On the other hand, if the lands are surveyed to the middle of the stream from both sides, then the State does not have ownership of the bed of that stream or creek.

"The Humboldt County and Eureka Chambers of Commerce believe that the Klamath River must be used for navigation and fishing, even in the event that a highway is put on either or both sides of the river. * * * Seventy to 75 percent of the economy of this particular area depends on lumber, about 8 or 9 percent depends on commercial fishing and the rest of it depends on agriculture and tourists.

"The Klamath River can be used to advantage by both logging enterprises and recreational enthusiasts. These lumbering operators have made sincere attempts to clean up the river and to insure a clean operation. * * * It is acknowledged that there is an area of a great difference of opinion between the logging interests and the sportsmen. However, the loggers have made a greater effort towards compromising the problems than have the representatives of the sportsmen.

"The lumbering industry is making sincere efforts to keep the Klamath River clean and to police it according to the agreement entered into * * * Efforts have been made to curtail operations to a certain extent during the 1955 year. At the time of the meeting there were 3,000,000 board feet of logs cold decked at one point. This is a sufficient number of logs to make 60 rafts and represents a costly operation for the logger.

"The lumbering industry is of prime economic importance in this area. * * * It is not felt that the logging practices are hurting sport fishing. * * * Del Norte County's economy is dependent upon both lumbering and recreational activities and the county is interested in seeing that the Committee does not propose legislation that would be detrimental to either.

"The logging industry is of great importance to the Klamath area and does not present a great nuisance to fishing. * * * The annoyance caused by log-rafting operations do not exceed the annoyance created by drift fishing and the passing of small sports craft. * * * Permits should be issued for the channeling or dredging of certain riffles under the direction and supervision of the U. S. Army Corps of Engineers sufficient to permit navigation by small sports crafts as well as log rafts and tow boats. This work should be completed before July 1 of each year.

"The sportsmen believe that over a long run revenues from sportsmen and from the fishing industry would far exceed that of the lumber industry. * * * The North Coast Conservation Council and the California Wildlife Federation do not feel that self-policing by the logging industry is effective or workable and to date there have been no stringent actions taken against non-conformers. * * * Some of the members of the Klamath River timber industries have made a sincere effort to make fishing and log rafting compatible. The others have done any-

thing they felt necessary to get logs down the river with no regard or respect for their written agreement.

"Fluctuation of the water in the river presents a very acute problem inasmuch as it might leave many small fry, migrating back down stream towards the ocean, stranded on the banks. Such stranding is also caused by washes from passing boats. * * * There are laws that control the speed of operating boats on the river but there is no authority to police these laws. * * * A great deal has been accomplished in the last 12 months by the lumbering industry in resolving the problems which were in controversy between it and the fishermen.

"The Department of Fish and Game believes that to its knowledge there is little or no effect on the salmon or steelhead by the rafting of logs on the river. * * * All applications for various structures in the river, in connection with rafting, that are filed with the U. S. Corps of Engineers are brought to the attention of the Department of Fish and Game. * * * On all applications for log dumps or reloads the department has checked to see that a bark trap was included in the plans. If a bark trap is included the department feels that they have no grounds for any objections to the structure. * * * The department would object to any type of operation which would allow any matter deleterious to fish life to be deposited in the water. Such matter, incidental to the logging industry, would be saw dust, slabs, edgings and possibly excesses of bark. * * * The department has objected to dredging operations in the past on the basis that dredging changes the fish's habitat and that such changes could very easily adversely affect the fish life. However, the department's recommendation against dredging was ignored by the Corps of Engineers on the basis that such dredging did not adversely affect navigation.

"The department, at the request of sportsmen, made an investigation of the Klamath River and found that out of 13 active sites in 32 miles of water, only two were considered generally satisfactory concerning their use of bark traps, bark screens, and bark disposals. Floating bark was found in moderate to light quantities, except at Pecwan, where a considerable amount was encountered. Ten wing dams were observed, of which one had completely changed the usual channel at a certain riffle.

"The California Department of Fish and Game is installing and maintaining screens in the feeder streams on the upper reaches of the Shasta River where diversions for irrigation take place. The department is going to meter fish into the natural spawning area above Hornbrook and any excesses over that which can be properly utilized in the spawning grounds will be taken to the Mt. Shasta hatchery where they will be hatched and released as fry back into the river.

"The department is endeavoring, as much as possible, to maintain the tributary streams in an operating condition by trying to keep them clear and by trying to enforce the laws to prevent the clogging of streams or by actually clearing the streams at the expense of the department. * * * The department feels that from information available to it, there are methods of logging that would prevent or greatly minimize the actual clogging of streams by dirt and debris. This could be done either by leaving buffer strips along the streams or employing methods to keep debris from accumulating.

"Present fines assessed against violators who clog the streams are considered very trivial as compared to the actual damage done. * * * One hundred thousand dollars allocated to this area for stream clearance by the Fish and Wildlife Conservation Board could be money well spent, especially from the point of experience gained from certain pilot clearances. * * * Even if all tributary streams were cleared it is very possible that a salmon hatchery would have to be constructed anyway to make up for the amount of salmon spawning grounds lost by the construction of the Copco Dam.

"Practically all the spawning in the Klamath River is in its tributaries, virtually none taking place in the area where the log rafting occurs. This is true of both salmon and steelhead. However, the department is interested in the lower part of the Klamath River because it is the main channel by which the salmon and steelhead migrate to the upstream and tributary spawning areas and by which the fingerlings come down to the ocean.

"The State of Oregon has progressed much further with its laws in protecting fish and fishing than has the State of California in correlation with the logging industry. * * * The logging industry is not doing everything possible to minimize danger to fish life.

"The lumber industry along the Klamath River is a very small segment of the lumber industry of the entire area and it is not just to criticize the entire industry for the actions of a small segment. * * * It was suggested that it is possible that an overcropping of fish is taking place in the river, that is that more fish were being removed than were being produced. * * * Great gains have been made by the lumbering industry along the Klamath River during the past year. * * * The cold decking of logs along the river would cost the operators between $5 and $7 a thousand board feet, which would be in effect a subsidy of the fishing industry which the logger could not recover from the sale of his lumber but would have to take out of his potential profit.

"In order for the Water Pollution Control Board to take action they must be able to show an impairment of the quality of the waters of the Klamath River. * * * To date the board has not been able to establish a pollution, as that term applies, as defined by the Attorney General In any case, the board cannot tell the operators to make corrections, that is to say they cannot designate the methods, type, design, et cetera The board can only define the conditions that must be maintained in the discharge area * * * The Water Pollution Control Board has no jurisdiction over the navigation on the river nor any control over the amount of water released from Copco Lake

"The Water Pollution Control Board works in close coordination with the Fish and Game Department to help effect fish and game codes. The board also works closely with the State Lands Commission and local water pollution control boards. In the event of a complaint, an inspection is made by the State Pollution Control Board within five or six days after receipt of the complaint. Conditions on the Klamath in general are considered very good and the board is pleased with the cooperation that it is receiving from the loggers.

"According to the records of the Yurok Indians there was a great deal of spawning in the lower Klamath of every type of fish that uses that habitat. * * * The steelhead go into the tributaries as well. * * *

The Indians have noted many natural spawning grounds being ruined by the logging in the area but they have recognized that lumbering is necessary and vital to their well-being and economic stability. * * * The Indians are not against the logging industry but against bad logging practices."

Findings of the Committee

1. Much of the logging area adjacent to the lower Klamath River is not served by roads linked to the State Highway System which would permit the hauling of logs directly by truck.

2. The movement of logs from the area adjacent to the lower Klamath River by means of rafting on the river is the most economical method available.

3. All log dumping and reloading points have installed some method of removing the bark from the river. This is accomplished by bark traps and screens or by weirs or wing dams from which the bark is periodically removed and burned on shore.

4. The logging industry has banded together to provide a river patrolling system which secures runaway logs and reports stranded logs to a contract pickup service which assures the removal of these hazards as soon as possible.

5. The logging industry has agreed to abstain from rafting on certain days so that fishermen can pursue their sport without interference on those days.

6. Some of the loggers are "cold decking" wherever and whenever economically feasible.

7. The appropriate experts of the California Department of Fish and Game have stated unequivocally that there is insufficient bark in the river to be considered a menace to fish life by pollution or contamination.

8. The California Department of Fish and Game has stated that there is no spawning of any consequence on the lower Klamath River, but that instead the fish spawn in the upper parts of the tributaries to the river

9. The California Department of Fish and Game has stated that a potential danger to fish life in the river exists on the tributaries by virtue of logging practices which tend to destroy the spawning grounds.

10. Since much of the fishing on the river is done by casting from the banks, the passage of sports boats up and down the river apparently causes more interference and ill-feeling than does the passage of log rafts.

11. There is some evidence that certain sportsmen "hog" the available space on the sand bar at the mouth of the Klamath River from which some of the best fishing in the river is to be had.

12. Since the lower Klamath River is, by law, a navigable waterway, the United States Corps of Engineers is the only agency having jurisdiction on the use of the river for navigational purposes, which includes log rafting.

13. The State Lands Commission has no jurisdiction over the river itself, but may grant permits for dumping and reloading stations on those portions of the banks of the river which are owned by the State.

14. The lumbering industry in the vicinity of the Klamath River represents a major factor which is vital to the economy of the region.

15. Sport fishing on the Klamath River also represents a factor which is of some importance to the economy of the region, but apparently not as great as the logging industry.

16. There is considerable evidence that the two factions involved are gradually finding solutions to their mutual problems by voluntary and cooperative action.

17. Since the committee's hearing in Eureka in August of 1955, the disastrous floods at the end of December of 1955 have radically changed the situation on the lower Klamath River by the destruction of all of the log dumps, the reloads, and the weirs. The floods were of such magnitude as to strip clean the banks on both sides of the river. This places the loggers in the position of being able to start from "scratch" so that they will be able to follow standards and agreed to procedures in every case where a log dump or reload is to be built.

It is the consensus of the committee that there is no clear-cut evidence to indicate that log rafting on the lower Klamath River is presently causing injurious effects to the salmon and steelhead fishery. Neither is there evidence that log rafting in its present form constitutes a potential danger to the fishery in the future.

The committee finds that there exists an attitude of sincere desire to cooperate on the part of responsible parties in both the logging industry and the sport fishing brotherhood to eradicate or at least to minimize as much as possible the causes of friction between the two factions. Consequently, this committee believes that no situation exists which requires remedy or alleviation by legislative means at this time. The committee recommends instead an additional period of watching and waiting to see what develops further from the cooperative efforts of the two factions.

In view of the fact that the logging industry will now have to start anew to develop facilities on the river, the committee recommends that the spokesmen for the logging industry and the spokesmen for the sport fishermen continue their sincere efforts to explore every avenue of cooperation with a view to further eliminating and minimizing the areas of friction between the two groups, particularly that acceptable standards for the design and construction of log dumps and log reloads be established, the acceptance of which would be a prerequisite to the issuance of a use permit by the State Lands Commission. In this manner the problem could be properly policed from the start.

PROBLEMS OF STREAM POLLUTION AND CONGESTION

Many factors have contributed to the problems of stream pollution and clogging which are extremely detrimental to maintaining resident fisheries in the streams as well as destroying spawning beds for anadromous fish and impeding their progress to spawning grounds.

Indiscriminate logging practices, forest fires and torrential rains have decreased available fish habitat to an alarming degree, especially in the north coastal area of the State.

Tours by the committee, public hearing testimony and representative photographs revealed the critical nature of this problem and indicated the urgency for an early solution.

Public hearings were held by the interim committee on August 29, 1955, and November 27, 1956, in Eureka at which the following information was submitted:

The representative of the Department of Fish and Game indicated that there are two approaches to be made toward insuring against the clogging of streams. One is to attempt to enforce the regulations that prevent the clogging and pollution of streams and the other is to do the physical work of stream improvement at the expense of the department, especially in removing obstacles that cannot be attributed to any specific operator, in the form of log jams, landslides, rock jumbles and things of that type. He then cited Section 481.5 of the Fish and Game Code which states "Whenever it is determined by the commission that a continuing and chronic condition of pollution exists, the commission shall report such condition to the appropriate regional water pollution control board and shall cooperate with and act through such board in obtaining correction in accordance with any laws administered by such board for control of practices for sewage and industrial disposals." It was indicated that the violation of this section is classed as a misdemeanor with a maximum fine of $500 and a maximum jail sentence of six months. In Region 1 of the department there had been two cases, one of which was still pending as of the date of the meeting. The other one had resulted in the operator pleading guilty and being fined $500, with $300 of it suspended. It was the opinion of the department that the mere fining of the logging operator for violation of this section does little to remove the debris from the streams or insure that clogging will not occur. He indicated further that the U. S. Forest Service provides methods and illustrations of all the logging patterns that would be designed to prevent the clogging of streams by logging debris, such as the use of buffer strips which are left on each side of the streams. It was pointed out further that it is a very expensive operation to clean the debris out of even a small stream and that it is possible to spend over $100,000 on a single stream. He indicated that the Department of Fish and Game as an agent of the State, is the most logical one to conduct stream clearance and that the department has found that it is more economical to contract for stream clearance because of the heavy equipment and skilled operators needed which the department does not have. It was emphasized that the anadromous fish seek the stream in which they were originally spawned and if the spawning grounds are obliterated in that particular area it might result in the complete elimination of an entire run of such fish.

The departmental representative pointed out weaknesses in the present law, one of which is the requirement that there must be left a clearly defined channel. He pointed to an instance where one operator completely obliterated a stream by building a logging road right up the bed and packed it down very hard. The operator then scraped out a clearly defined channel along the side of the road but it was of no use as a spawning stream inasmuch as there was no vegetation, no ripples and no pools. He emphasized that the real answer to the problem is to invite the full cooperation of logging operators to exercise practices beneficial to the conserving of fish habitat.

Another witness testified that many logging operators are small or are "gypo" loggers who buy or contract for small tracts of timber stumpage and have no interest in the land or the preservation of the other natural resources such as fish and game and the recreational values, but are interested primarily in making a quick profit. Their methods of operation are generally conceded to constitute "bad logging practices." In many cases the agencies responsible for the inspection of these operations such as the Division of Forestry and the Department of Fish and Game are never aware of their presence in a particular area until the area has been stripped and the operator has departed. It was indicated, however, that there are both good and bad loggers and not all of the bad logging practices are confined to the small logging operators. He estimated further that some 925 miles of fish producing streams in the north coast region had been ruined or impaired by bad logging practices. As an example, he referred to the Ah Pah Watershed which had been seriously damaged by bad logging practices. This was one of those visited by the committee. As a possible solution to the problems that exist he stated that the consensus of the interested parties in the area indicated that laws are needed that will: (1) set up a screening strip along the banks of the main rivers and spawning tributary streams to afford stream bed protection from excessive erosion and debris; (2) prohibition of the use of the stream beds for roadways for the operation of heavy equipment; (3) proper drainage of all skid roads and logging roads as a further protection to the streams and rivers against excessive erosion and siltation. He indicated further that it was his impression that the larger logging industries are very conscious of the fact that better logging practices are necessary to alleviate the situation and that they have taken steps to do so, although there is still much to be desired.

A representative of the State Water Pollution Control Board indicated that the board had been quite well pleased with the cooperation that it had received from the logging operators in the past year. He indicated that there has been a definite effort by the logging operators to conform with good logging practices so that streams will not become polluted or impaired. He stated that the board cannot tell the loggers how to make a correction but rather it can only give them the conditions that must be maintained in the discharge area, and on that basis the board attempts to work out the problems.

It was pointed out that a contingent of the Department of Fish and Game, after a survey conducted by them, reported that over 500 miles of stream had been damaged or destroyed in the last two years, estimating that the approximate total amount of streams that had been destroyed runs roughly a thousand miles. The logging industry apparently is becoming cognizant of this situation and has taken some steps to help alleviate it.

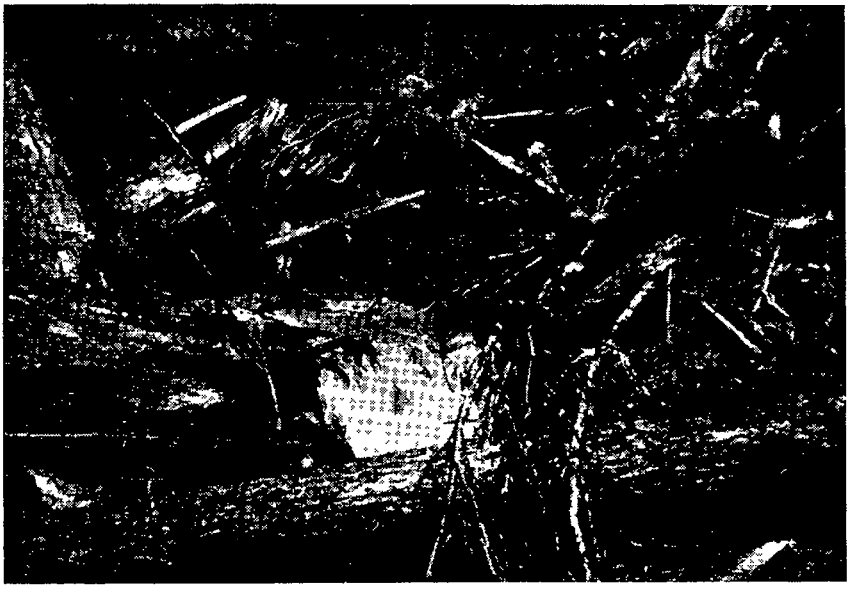
It was further explained that one major lumbering company in the north area had expended a considerable sum of money in cleaning up a stream following a logging operation, and also that the company is willing to put on an educational program or orient its employees on good logging practices to lessen the possibility of future contamination and clogging.

A major factor contributing to the shoddy logging practices in certain areas is the lack of inspecting personnel. The Division of Forestry is the agency of the State vested with the responsibility for inspecting logging practices on state and private lands. It was indicated that perhaps the State should provide more such inspection personnel to be able to inspect each logging operation. The Division of Forestry personnel are acquainted with the requirements of the Department of Fish and Game and they take those requirements under consideration when inspecting logging operations as well as insuring that the companies adhere to the State's Forest Practices Act. It was pointed out that the provisions of this act are not quite as stringent as those of the U. S. Forestry Service but it must be kept in mind that the latter is inspecting logging practices only on lands belonging to the Federal Government whereas the State is inspecting logging practices on private lands. In 1955, for instance, there were 895 logging operations in Humboldt County alone, with only a sufficient number of personnel in the Division of Forestry to inspect one-third of those operations. It was pointed out that it is difficult for a logger to leave the trees along the stream as a buffer zone inasmuch as those particular trees are generally the most valuable in a given stand.

Findings of the Committee

1. There are many streams which have been eliminated or impaired as fish spawning areas due to certain factors, primarily those resulting from logging operations.
2. There has been a definite trend toward increased cognizance of this situation by loggers and cooperation of the lumbering industry to alleviate this problem.
3. State agencies can materially aid in an educational program to help cooperating logging operators in an orientation of their employees on logging practices beneficial to wildlife management.
4. A sound preventive approach for the effecting of logging practices to insure the sustained yield of fish and wildlife as well as lumber would be to provide an adequate number of inspecting personnel to the Division of Forestry. The Division of Forestry is requesting rolling equipment in its five year plan which will allow foremen of fire control stations to perform this responsibility.
5. Continuing studies are needed to develop logging methods which will prevent or minimize stream damage while not penalizing the logging operators.
6. There is need for continuing evaluations of fish habitat damage so that appropriate steps might be taken to enforce abatements. These evaluations would also serve to educate logging industry personnel to a clearer understanding of these economic values of the State's wildlife resource.

Eroded skid road near Bear Creek, Humboldt County



Ah Pah Creek, Humboldt County

Ah Pah Creek, Humboldt County

Ah Pah Creek, Humboldt County

Waukell Creek, Del Norte County

Waukell Creek, Del Norte County

Elk Creek,
Humboldt County

Elk Creek,
Humboldt County

Lower North Fork, Mattole River

Elk Creek,
Humboldt County

Lower North Fork, Mattole River

Lower North Fork, Mattole River

BIG GAME MANAGEMENT PROBLEMS

The various aspects of big game management provide the greatest divergence of opinions of any of the wildlife management programs. Especially controversial are the either sex and antlerless deer hunts, special hunting areas and hunting seasons.

The Department of Fish and Game contends that wise big game management includes the harvesting of a percentage of antlerless deer. It points to the programs of other states which have generally accepted this practice as a valid approach to the wise management of deer herds. Closely associated with this aspect is the factor of range forage condition which constitutes an integral part of the final determination of the logical number of deer to be harvested from a given herd or area.

To provide a medium for open discussion of these problems and to collate all pertinent data relative thereto, the interim committee held a hearing in Fresno on November 17, 1955, and another on December 5, 1955, in Los Angeles.

The following are representative excerpts of the testimonies given at the hearings:

A representative of the Department of Fish and Game stated that the objective of the Fish and Game Commission's deer management policy was to produce and maintain a maximum breeding stock of deer on all wild land in California consistent with other uses of such lands, and to make available for public hunting the crop of deer produced annually by this breeding stock. He stated further that more people were beginning to realize that more deer can be harvested of both sexes without endangering the herds, basing such statements on the experiences of other states. There have been 38 special deer hunts since 1949 with a total of 10,567 deer having been reported taken during those hunts, resulting in relieving the depredation problems to a certain extent but not solving the problem of deer overpopulation. He stated further that the whole procedure under which the Fish and Game Commission and the department is required to operate in attempting to manage the state deer is so inflexible that it puts considerable difficulties in the way of doing what the department feels would be a proper job.

Proposals for simplifying the procedure were:

1. To allow the commission to set kill or permit quotas under Section 16.3 of the Fish and Game Code.
2. To simplify procedures, it might be possible to permit a minimum of one hearing per fish and game region under Section 16.3 rather than in each county affected in consideration of all antlerless or either sex hunts. In exceptional cases local hearings might be desirable.
3. Allow the department to issue deer tags for antlerless or either sex hunts on a unit smaller than a district.
4. Change Section 1278 of the Fish and Game Code to permit the department to issue antlerless or either sex deer tags on a limited basis.

He indicated that deer refuges have become outmoded. He stated that the refuges served the purpose at one time when deer were less plentiful and game wardens were scarce, and he suggested that in place of the

outmoded refuges that a flexible system of closures already within the power of the commission will serve deer management better than the inflexible legislative refuge. At the present time there are approximately 26 such refuges. The point was brought out that the present thinking recognizes the need to keep deer herds in balance with the supply of good nourishing forage and the only way that this can be done is by removing annual surpluses, both male and female, in each hunting season. He estimated that the result would be better fawn production, better all around survival, larger, healthier, heavier animals with bigger racks and ultimately resulting in less unnecessary waste.

It was brought out that in special hunts and land management there was a high degree of cooperation with land owners. This cooperation constituted the department agreeing to hold deer down to certain numbers and land management agencies to hold livestock down to certain numbers so that the net affect of all animals on the range wouldn't damage the range.

A representative of a sportsmen's association stated that it was the desire of his organization that sportsmen be allowed to shoot deer on the property of ranchers who had applied for depredation killing permits so that the sportsmen could take the deer rather than having the deer slaughtered by the owners, inasmuch as many of the depredation requests are sought by ranchers who keep their areas closed during the regular hunting season. It was pointed out that in 1954, 1,516 deer were killed under depredation permits and the dead carcasses had been either let lie or were taken to institutions for use by inmates. The continual diet of venison did not meet with much favor at those institutions so the deer were being destroyed in many other ways resulting in much criticism by the sportsmen.

Other testimony pointed to the need to manage herds rather than areas inasmuch as each individual herd has its own peculiarities which dictate the type of management needed, and further, that recommendations for management should come from the field units following the activities of a given herd, and the localities involved.

A departmental employee stated that the trapping and transplanting of does, or any deer, is a very costly operation and that it was not a necessarily wise management procedure inasmuch as the deer build up to the carrying capacity of their ranges anyway in any given area. He stated further that one of the best programs for improving deer ranges is control burning and reseeding, but as he pointed out, there are 54 million acres of deer range in the State which would take a lot of money and a lot of time to actually rehabilitate where needed. He stated that it was the department's contention that the carrying capacity of the range can be increased, but until it has been, that the hunters should be allowed to go into the areas and take the excess deer inasmuch as the excess would die anyway and the general condition of the deer population would deteriorate.

It was pointed out by a packer that in the high sierras the deer actually are diminishing, a point that was not generally agreed to.

Other testimony indicated that the Department of Fish and Game should plan a program that appeals not only to sporting enthusiasts but also to people basically and purely interested in wildlife conservation. On seasons, on special hunts, on antlerless deer hunts, and on all

aspects of big game management, there was a great divergence of opinions, indicating that there is no tried and true game management policy that is acceptable to all.

Findings of the Committee

1. The Department of Fish and Game's approach to big game management should be carefully reviewed to determine:
   (a) If there is not a better method than is now used to determine the deer population.
   (b) If an entirely different approach to the harvesting of deer should be initiated.

2. That departmental field employees in many areas are violently opposed to the commission's adopted policies affecting their individual areas.

3. That there are many hunters who are not sportsmen and in recognition of this fact, seasons and special hunts must be so scheduled and so regulated to minimize the indiscriminate slaughter by those individuals.

4. That each individual herd should be managed on a unit basis to maintain the optimum herd population relative to that herd's summer and winter ranges so that as a possible solution any excess of antlerless deer may be taken by permit *during the regular season.*

5. That the Department of Fish and Game must alter its approach to public relations inasmuch as it is apparent that the present conservation education program has met with little if any success in its dissemination of the type of material distributed for orienting the general public on game management policies.

6. That there is a wide divergence of opinions on big game management between and within sportsman organizations to the extent that no single recommendation by that faction has ever been submitted.

7. That the Department of Fish and Game's big game management has progressed in every respect over the past years excepting the harvesting phase which is still apparently on the "trial and error" basis.

8. That the results of the special seasons of 1956 indicate much is to be desired and the department should therefore be directed to expend more of its existing facilities and manpower on the "harvest" phase.

ABALONE RESOURCE OFF NORTHERN COUNTIES COASTLINE

The abalone, which is a large mollusk, attaches itself to rocks, in varying concentrations along many parts of the coastline of California and is a much sought-after specie by both the sport and commercial fisherman.

The bulk of the commercial abalone fishing takes place in the Morro Bay area and around the islands off the Southern California coast. Approximately 40 boats fish commercially for this marine species with a combined take during 1956 of 3,760,000 pounds to November 30th.

The situation which has developed and merited the attention of the interim committee is the contention by the commercial groups that certain areas of the Marin and Sonoma Counties coastlines should be

opened to commercial fishing. These interests based their contention on certain allegations that:

1. There are two distinct bands of abalone, one of which adheres to areas accessible to sport fishermen and another beyond that point at a depth of approximately 20 feet.
2. There is very little if any migration from the outer band to the closer one.
3. Lack of harvesting of the outer band has resulted in over population in that group, further resulting in the deterioration of many such abalone for any practical use.
4. Harvesting is therefore justifiable because it would not adversely affect the sports take, would prevent the waste of this natural resource and would enhance the economy to the extent of such harvest.

Conversely, the many north coastal factions opposing commercial gathering of abalone, contend that:

1. The abalone taken by sportsmen have in many cases migrated in from the outer band.
2. The sports economy far overshadow the commercial economy of abalone gathering.
3. The presence of commercial boats would have an adverse affect on tourist trade resulting from noncommercial abalone gathering enthusiasts.
4. Scientific data is too inconclusive to justify permitting the tourist economy to be jeopardized by allowing commercial exploitation with the possibility of depleting the abalone supply.

To attempt to resolve the apparent controversy, the Interim Committee held a public hearing at Fort Bragg on August 31, 1955.

Following are representative although not verbatim excerpts from testimonies of the many individuals and groups attending the hearing:

"On the basis of questionnaires distributed among sports abalone gatherers, if the source is maintained as a sports fishery, each abalone is worth $10 to the area whereas if commercialized each abalone would be worth only $1 per abalone to the area. The sea beds offshore are grossly over-rated in the area and are not lying in waste due to the number of untouched beds Skin diving will never become a threat to the sports fishery due to the extreme cold water north of Bodega Bay.

"No legal abalone are found in the fall but an abundance of them are found in the spring. Rough weather, migration or some other factor is bringing the abalone into the shore.

"In an area where the beach was cleared legal sized abalone were subsequently found, which indicates that they must have migrated in from the outer band. The market price of $1 95 per pound of abalone is beyond the means of the average person and therefore commercial diving would deplete the source for the man of moderate means who must go back to the beach for his abalone.

"Due to geographic and weather conditions, at best the commercial fisherman could only fish three days a month, limiting their activities to areas inaccessible to sports fisherman; and on the basis of scientific investigations and reports abalone do not migrate.

"Commercial abaloning in Southern California has resulted in the depletion of that resource in that area. A sport diver for abalone brings up only one abalone at a time, sometimes making several dives before he finds a large one. Skin diving is limited and will never become too extensive; due to the difficult nature of the sport many divers are giving it up."

A representative of the Department of Fish and Game made the following statement:

"Abalone on the Mendocino coast are in a narrow band and skin diving is not practical. There is no commercial resource on the coast of Mendocino. The abalone grows slower on this coast causing slower replenishment. The type not being taken are dark abalone, edible but not particularly salable, and they are not a definite specie but the possible result of slow growth. The abalone meal used for animal food is from the trimmings of these abalone. Commercial specie on the north coast would be red abalone, in Southern California pink and the green are primarily the sport resource in Southern California and are the specie taken by skin divers. Skin divers are doing a great deal for conservation by self-enforcement. They are fishing the areas inaccessible to others and at their own request have had underwater breathing devices prohibited."

Dr. Takashi Ino, Tokai Regional Research Laboratory in Tokyo, Japan, in this country on a fellowship studying the abalone resource, made the following statement: "The Japanese have been conducting commercial fishing for nearly 200 years off the coast of Japan and the supply has become scarcer since the beginning of commercial diving. Commercial fishing is allowed only in water of a depth over 10 meters. Areas are closed when larger specie are depleted to permit smaller specimen to mature.

"October to December is the spawning season and after spawning the eggs float for six or seven days until they form a shell and then attach to the rocks. Abalone migrate approximately one mile along the shore and in Japan there are eight species, the largest of which is 10 to 11 inches with its natural enemy the octopus. Five thousand tons of abalone are produced in Japan annually, primarily used locally and selling for $1 per pound in the shell. South of Point Arena at Anchor Bay in California there is an abundance of abalone on the shore."

Many other individuals representing various clubs and organizations expressed opposition to the opening of the north coast for abalone commercial fishing primarily because of the presumed adverse affect such fishing would have on the economy of the north counties.

Another representative of the Department of Fish and Game stated that the department has been working on the program for several years, starting in the southern part of the State in smooth water and working up the coast as weather permitted. Diving is done from a 26-foot boat and the departmental employees have covered the area from the mouth of the Navarro River to Westport, spending 100 hours on the ocean bottom. He stated that the majority of the abalone are found in a band 25 feet to 30 feet deep along the shore, with the sportsmen taking all the abalone that could be reached, and further, that the indications were that there is very little movement of the abalone inshore from the 40-foot water, basing his statement on abalone tagging operations.

"The Mendocino County statutes at the present time impose a fine of $400 for commercial abalone fishing."

Findings of the Committee

1. Current scientific data is too inconclusive to propose any change in existing laws.
2. The great majority of the individuals and groups of the north coast counties are unalterably opposed to commercial taking of abalone.
3. The economy of that area is obviously more enhanced by sport activities than would be the case if commercial abalone taking were allowed.
4. To be fair to the interests of each faction concerned, a much more exhaustive survey and research program must be initiated.

UPLAND GAME PROBLEMS

Pheasants

Since its introduction into California, the ring-necked pheasant has increased in population to such an extent that it has become very plentiful in areas affording a natural habitat. In fact, it has thrived so well that pheasant hunting constitutes one of the major wildlife sports

Initially, game farms were established to stock areas of the State which could sustain the birds and lend to their natural propagation. As the bird became firmly entrenched it became an integral part of the hunting scene and its popularity in this respect evolved tremendous hunting pressures. To compensate for this demand and to insure against the depletion of this specie of wildlife, more game farms were established and production was stepped-up at existing ones. In the course of time many areas of sustaining habitat became enveloped in urban development or suffered an adverse transition due to new concepts in farming.

The State's population increase reflected directly on the increased sportsman demands and instead of limiting game farm activities as available sustaining habitat became limited, it was felt to be incumbent on the Department of Fish and Game to plant pheasants in areas wherein they obviously could not survive naturally.

The committee in its desire to evaluate the present pheasant program and to collect information to aid in the determination of the proper course the State should follow to insure the continuation of the specie and its availability to the sportsman held two meetings, the first in Woodland on November 15, 1955, and the other at El Centro on December 17th, from which the following representative excerpts of testimony were secured:

A representative of the Department of Fish and Game pointed out that the State of California had been stocking game farm pheasants over a period of 66 years and that to date there had been more than a million ring-necked pheasants released by the department and the old Division of Fish and Game. He stated further that private stocking in the State over an even longer period would swell this total to approximately a million and a half birds. Records indicate that these pheasants were established in various parts of California by 1920, or even earlier

in some sections, and that hunting seasons have been declared annually for the past 23 years. He pointed out that the established population of the birds has been sustained despite the open hunting season for more than 20 years. Investigation and surveys have been in progress since 1945 to determine the status of the pheasant population and the effects of hunting, and results obtained from the continued stocking of the game farm birds. The following conclusions resulting from the survey are:

1. Pheasants became established throughout California where habitat was suitable and they are maintaining themselves by natural reproduction. Although these birds were artificially introduced, they constitute a true wild population of game and do not need continued stocking to make them maintain their numbers, even though hunted, any more than do waterfowl, deer, rabbits, quail or other native game.
2. Comparatively few immature game farm pheasants survive the shooting season or beyond inasmuch as they do not have the natural instinct necessary to lead them to food and water. It has been found that the longer the period between the time of release and the start of the season, the less chance there is of that bird to live to be shot. The primary causes of the birds' death are predation, starvation, inclement weather and many other factors with which the birds are unable to cope. It was pointed out that the predators which are most detrimental to the pheasant population are the common house cat, raccoon, skunks and the Norway rats, with the rat and skunk being primarily active during the nesting season.
3. Hunters can recover as much as 70 percent, or even higher, of game farm pheasants if they are hunted very soon after release. The continued releasing of pheasants for breeding stock is of no value because all suitable habitat has ample wild breeding stock, therefore, pheasants released from state game farms and the State's share of birds from cooperative sportsmen's pens are to be stocked for the gun.

The present commission policy states that to make stocked pheasants available impartially to the maximum number of sportsmen the birds are to be released where the general public may hunt free on a first come first serve basis. These areas, of course, are the cooperative hunting areas and other similar public hunting grounds Private lands open to hunters without fee or favor and so posted receive second priority. The department provides not more than 5 percent of the pheasants to be released by the State to recognized field trial organizations which use them in training hunting dogs, and the department continues to cooperate with the sportsmen's groups which operate pheasant rearing pens. In this respect the department furnishes young pheasants of from four to six weeks of age to sportsmen's groups who in turn rear the birds for at least one month. During the stocking period half are stocked as the club chooses and half are released by the State in accordance with the policies outlined above.

Where the department furnishes feed, labor or materials to aid in operating sportsmen's pens, written agreements covering these extra services are concluded and signed by the director and proper downward

adjustments are made in the division of these birds in their ultimate planting. In the case where more expenditure is required of the department than noted above, then the additional expenditures by the department in time, labor, feed, and so forth, would necessarily be reflected in the ultimate allocation of the birds. The more services, the less birds the private club would be allowed to release for its own use.

Since 1951, the department has changed its policy of releasing pheasants, inasmuch as a low percentage of birds were actually harvested prior to that time because of the time of release, size of the birds, and place of release policies that were in effect. Prior to 1951, the game farm pens were filled twice during the season and in order to do that, the first batch of birds were released about July or August, and were very young birds. Due to the factors enumerated above these birds had a very low rate of survival. Because of the low rate of return the department changed its method and found that it experienced much more success by cutting down on the number of birds raised and releasing only mature birds near the beginning of and during the season.

The present commission policy states that the prime use of the game farm pheasants is to be for hunter take during the season, and that the department's objective is to raise full feathered birds that will survive to the hunter's gun as far as possible. It was pointed out that each pheasant bagged cost the State approximately $7. There is some thought of purchasing birds from private game breeders. The $7 cost per bird reflects not only the actual game farm cost of man-hours spent in the breeding, material and feed, but also reflects the departmental and regional supervisorial overhead. The departmental and regional overhead would not be materially affected by discontinuing the pheasant operation, but it has been the practice of the department to pro-rate all such overhead throughout all of the departmental operations. Also included in the cost of each game bird bagged is the cost of distribution of the birds.

Private game breeders have indicated that they can supply the department with birds at an average cost of $3 or slightly less per bird. This, of course, does not include a cost of distribution, which cost must be added to determine the full cost of each bird bagged from this source. Perhaps purchasing the pheasants from private game bird breeders would be more economical to the State inasmuch as the physical plant would not have to be maintained. However, distribution personnel would be needed as well as personnel to inspect these birds to insure against distributing any diseases among the native populations of all the upland game birds.

The department is endeavoring to plant the pheasants in proportion to the hunting pressure as long as the "put and take" hunting policy is still in effect. Approximately 81,000 pheasants were released in 1954 on that basis and the department has averaged that amount annually since 1954.

It was pointed out that the expenditure of some quarter of a million or more of sportsmen's dollars on the game farm program only augmented the pheasant take during the season by the sportsmen by 3 to 5 percent, and if the entire game farm program were discontinued it might reduce the hunter take only by that percentage. The game farm program has very little effect upon the total population of the pheasants

in the State, the primary cause of fluctuation being weather and agricultural crop conditions. Because of these two factors the native population can fluctuate as much as 50 percent. It was indicated that the department could improve the natural habitat for pheasants but it would cost the State approximately $3 to $4 an acre to do so since the pheasant thrives better on primarily high value agricultural areas. The statement was made that the department could very well improve the carrying capacity of the State's natural habitat areas by habitat improvement and by good predator control. The department feels it can produce more at less cost to the State through wise habitat management than by the present game farm program.

A representative of a sportsmen's association pointed out that the sportsmen's pens in his area lost approximately 50 percent of the birds to the Norway rats and he felt that not enough work had been done by the department on arriving at some answer to this problem. His group had put out poison for the rats around the pens and in the past year raised their birds with a loss of only 14 pheasants during the entire period due to predation. In addition to a concentrated control program against the rat and other predators, he also suggested that the releasing of Mongolian pheasants, which do not adjust to any type of habitat in the State, be discontinued. He stated further that the private game farm in his area fed much cheaper food in raising its bird than the state game farm, and that the birds of the private game farms were comparable to those of the department. It was felt that by concentrating the great majority of the fish and game personnel as wardens on the cooperative hunting areas much of the outside area was left unprotected. He stated further that he felt that this game farm program should be discontinued and that the employees released from that program should be put on predator control.

Another sportsmen's organization indicated that it was the consensus of his organization that the pheasant program was extremely uneconomical and should be discontinued, but that the cooperative hunting areas should be continued inasmuch as the $1 pheasant tag fee which was originally meant to defray the cost of the cooperative hunting areas actually exceeded the cost of operating those areas; that the cooperative hunting area program did very much towards alleviating the trespassing problem in regard to the landowners. It was felt that enough brood stock should be maintained by the department to stock shot-out areas or areas that might be depleted due to agricultural poisons. It was pointed out that in certain areas community hunting projects were being instituted wherein a charge was made to any individual who wished to hunt on the area; that these areas were providing very good hunting without any help or support from the department.

Testimony of another club indicated that that particular club was in favor of curtailing the game farm program but was in favor of the department continuing aid to private game farms which released birds so that they could continue in operation; that the State was justified in doing so inasmuch as the private game farm was assuming a load that the State had previously carried.

Another sportsmen's club indicated that it was in favor of the department continuing the game farm program as it is and in addition

that the State should raise and release more birds than it is doing at present.

At the El Centro, California, meeting a representative of the Fish and Game Conservation Association stated that he acknowledged the fact that in order to maintain pheasant hunting in the Imperial Valley, that there had to be a continual type of planting because of farming practices and the terrain, which are factors adversely affecting the natural habitat of the birds.

A departmental representative pointed out that in Region V, the Southern California area, the department planted 12,300 birds and the sportsmen's pens planted 4,100 birds in addition. One-half of all the sportsmen-raised birds were claimed by the State and distributed by the State on areas that it felt should be covered and the other half were planted by the sportsmen's organizations wherever they wished. He pointed out that for the department to raise and distribute approximately 80,000 birds it cost $400,000, which included all cost attributable to the game farm program including salaries, feed, distribution, capital investment, and all overhead costs. He stated that the $5 per bird figure evolving from the 80,000 birds applied against the $400,000 cost was more correct than the previous given $7 per bird figure. The commission had instructed the department to buy 1,000 birds from commercial breeders and that at the time of the report bids were being surveyed to secure those birds. All birds bought will be for release and not for breeding. He also indicated that, especially in the Imperial Valley area on the Etiwanda cooperative hunting area, pressure for hunting is so great that it would be difficult for the department to discontinue the game farm operation, or at least the releasing operation in the valley. He indicated further that the bulk of the pheasants that are shot in Region V are the output of either the state game farm or the cooperating sportsmen's pens because of the lack of natural habitat in that area.

It was requested by an individual that the State be considered on a geographical basis in solidifying any new program, indicating that in Southern California where the bag of domestically raised birds was considerably higher than up north, that perhaps in the northern counties they can discontinue the game farm program without suffering a great deal of decrease in birds and continue the program in the south.

Findings of the Committee

1. Department of Fish and Game investigations have proven conclusively that the game farm program contributes little to the statewide natural population of pheasants.

2. Certain areas of the State support natural propagation for pheasants whereas certain areas, especially in Southern California, do not provide such natural habitat.

3. In view of the minimal augmentation of the over-all population of birds and the low survival of the birds planted through the game farm program, it is apparent that the existing program is very uneconomical.

4. The great majority of interested sport, government and conservation factions indicate an awareness of the impracticability of continuing the present game farm program.

5. To reduce the hunting pressure on areas of natural habitat, the planting of pheasants should be continued in nonsustaining habitat areas until a more realistic program can be developed.

6. In view of the foregoing all other game farm activities exclusive of areas outlined in point (5) should be discontinued.

7. Provision should be made by the department to continue predator control on nesting areas, inspection of birds on private and community game bird operations, and cooperative hunting activities.

Other Upland Game Birds

The following are representative excerpts relative to other upland game birds from testimonies given at the same meeting. A departmental representative stated that in the program of sustained quail yield you are dealing with much lower priced lands, lands that are usually lacking only water; and for a comparatively small cost to the State, the department can alleviate water deficiency by installing guzzlers. The department has now constructed over 2,000 of these gallinaceous guzzlers largely on public lands with a few on private lands. Where the guzzlers appears on private lands the owners have generally assured that they will allow hunting on their land. Generally from 150 to 800 birds frequent each installation and in many cases the guzzlers have been installed in areas where the birds have not previously existed which has resulted in the establishment of bird populations. It was indicated that quail have a rather limited seasonal migration, depending upon the availability of water and feed. In addition, the quail seem to scatter at nesting time. He stated that the quail would be found within 200 yards of the guzzlers in the summertime, or even a quarter of a mile or so to some available water and after the first rains in October or November they would tend to break up into coveys or maybe 50 birds, a mile or two back from the water. In the spring around February and March, when the weather warms up, the birds begin to pair and coveys of 50 or so break down into smaller groups essentially in pairs or aggregates of pairs and they may eventually be two and a half miles away from the water scattered out fairly evenly over the nesting areas. Generally, by the time they release their young the area has become arid again and in those places the department has placed the guzzlers well away from natural springs so that a new nucleus of birds would be developed. Sometimes in extremely arid areas the department has had to create a refuge around the guzzler to protect the birds from slaughter during the hunting season.

It was pointed out by a departmental representative that the chucker partridge was introduced into California in the late twenties and early thirties and absorbed a considerable part of the game farm program in that period. When the department, or division as it was at that time, determined that the partridges were well established in areas of sustaining habitat it discontinued the game farm program relative to the partridges and further noticed that there was heavy propagation in the field and found it unnecessary to go back to the program on a large scale. The department now intends to trap and transfer several of the wild stock of partridges to be placed in all parts of the State that are adapted to this type of bird. He stated further that as a result

of the departmental program of game farms, trapping, and transplanting, the State now has an open season on the chucker partridge. The department releases wild trapped chucker partridges from an airplane, feeling that it is the economical thing to do in areas of rough terrain where the department cannot easily provide service.

Findings of the Committee

1. The general quail population has increased considerably primarily through the Federal-State Pittman-Robertson Cooperative program.

2. Quail adjust readily to areas not desirable for cultivation.

3. With a minimum of habitat development which is primarily confined to the establishing of gallinaceous guzzlers in arid areas, quail have thrived and multiplied to the extent that the specie provides excellent hunting with a minimum of outlay.

4. Departmental expenditures on quail have decreased and there is no reason to believe that this situation is not proper.

5. To further decrease departmental expendiutres on quail, the committee feels that wardens, in the normal course of their patrolling, can inspect, clean and make minor repairs on the guzzlers with a minimum of time and effort without materially lessening the effectiveness of their patrolling. This would result in the reduction of game management personnel requirements to perform this activity.

6. In comparison with other upland game birds the chucker partridge will never attain any large population because of the relatively few areas in the State to which the specie can adjust.

7. The department has made commendable progress in its introduc- of the partridge into those areas of sustaining habitat.

TROUT FOOD PROBLEMS AND PROGRESS

During the week of Monday, December 12, 1955, the committee made an extensive tour of the Department of Fish and Game installations in Southern California. Among those visited was the Mohave Hatchery where the plant was viewed in detail and the committee was afforded a complete explanation of the operation by members of the department. This visit and subsequent testimony at the El Centro hearing of the committee revealed that the trout feeding situation is far from being crystallized. Tests of different food mixtures are constantly in progress in order to find a trout food which will produce the best fish at the lowest cost to the State.

Initially, the State fed the trout virtually nothing but ground liver, which was prepared at the hatchery, but in recent years the department has experimented with other types of food and found them to be much more economical as well as being a good diet. For instance, the department is using a certain amount of preground ocean fish which costs about $0.04 a pound and arrives at the hatchery ready to feed to the fish. Also, the department has found a similar food which is prepared from lungs and melts which arrives ready to feed and costs the State approximately $0.08 to $0.09 per pound. This latter food was originally used to replace the horse meat, costing approximately $0.14 a pound, and produces as good if not better results. At the present time the department is experimenting quite heavily with dry foods prepared in

pellet form. Compared to the total volume of food fed to the fish, such dry food experimentation has amounted to approximately 6 percent. The advantages of using the dry food are:

1. Dry food is more concentrated and at the same unit cost per pound as other foods can produce one pound of trout for two pounds of the dry food as against four pounds of meat.
2. Dry foods require no refrigeration and are easier to handle, there being no expensive preparation costs involved.

At the present time the department can secure fluke-infested beef liver, which is therefore not marketable, for a low cost. However, scientists are attempting to solve this fluke problem, in which case this liver may eventually become marketable and would undoubtedly increase in cost to the State. It was pointed out that as much as 50 percent of the liver of the cattle grown in the moist areas in California may be fluked, and the State can purchase it for approximately $0.11 a pound. Because of the low cost of this liver and its value in the production of fish it constitutes the major part of the fish diet. Since there is imminent possibility of this type of liver becoming marketable the Department of Fish and Game is attempting to develop other types of food which it can feed to the fish to secure the same results at approximately the same cost or less. At some hatcheries, notably Darrah Springs, the department has experienced a great deal of success with the dry foods, but in other such as Hot Creek Hatchery in Mono County the feeding of dry foods has met with very little success.

The statement was made that back in 1949 the department produced 2,500,000 trout weighing approximately 400,000 pounds, and that in 1955 the production had increased to 1,400,000 pounds representing about 7,000,000 eight-inch fish. With the increase of production and efficiency the state-wide average cost per pound of producing fish in 1953 of $1.07 had decreased in the Fiscal Year 1954-55 to $0.89 a pound.

The commission policy has recently changed to allow the planting of larger fish than have been planted in the past, which has tended to increase the return to the creel of fish planted by the State. At the present time the commission has authorized the planting of fish which average four to six per pound of about 7½ to 9 inches in length. Although the department plants approximately eight million trout a year, that amount does not meet the demands of the sportsmen. Therefore, it has been decided to plant the fish in areas easily accessible by the sportsmen to insure as much of a return as possible of these planted fish. This practice has increased the return to the creels of the sportsmen and has decreased the loss of the planted fish.

The third in a series of dry food experiments was concluded at Moccasin Creek Hatchery on May 9, 1956. This experiment, which began on August 18, 1955, lasted 265 days. The conclusions reached from this experiment indicated that the over-all growth rate on 100 percent feeding of dry trout food was slower than that attained on a meat and ocean fish diet. The cost per pound of fish gained on the dry food diet compared favorably with the meat and fish control diet. Although $0.099 per pound higher in the fingerling phase it was $0.01 per pound less in the catchable phase. The average cost per pound for both phases of the dry food feeding combined was $0.297 as compared with an

average cost of $0.291 in the control or meat and fish diet. The dry food diet tended to produce symptoms of "blue slime" disease which factor must be corrected before the dry food can be fed with confidence. The department has tested several different brands of dry food with varying success. However, purchases of each type have been rather large without adequate preliminary testing to prove nutritional value.

Findings of the Committee

The cost of producing hatchery fish is definitely declining, both because of the increased sizes of the individual installations and improved feeding and operational procedures The department should continue to strive for still further reductions in cost.

However, greater caution should be used in purchasing dry food so that unsatisfactory brands or types will not go to waste as occurred in some of the hatcheries when surplus dry food was used as fertilizer.

PROBLEMS OF DUCK DEPREDATION

The committee toured the vicinity of Imperial Valley suffering the greatest damage to duck depredation. It observed the huge flocks of ducks and geese which, during the day, would stay well out of the hunter's range on those waters of the Salton Sea under the jurisdiction of the Atomic Energy Commission and therefore inviolate to hunting. The committee observed the results of a night's ravaging by the ducks in the farmers' fields. It visited the waterfowl management areas and the waterfowl refuge areas in Imperial County, observing the large flocks of ducks and geese and were orientated on the problems commensurate therewith, and found that especially in the Imperial Valley region of Southern California duck depredation is continuing to mount, resulting in considerable losses to farmers in the area. This problem became a part of the agenda of the interim committee at El Centro on December 17, 1955, and the following are testimonies of various participants.

One individual stated that the greatest damage to agriculture by the ducks was not caused by the food that the birds ate but rather by the puddling the birds did on the wet ground, sometimes destroying the crop and making the ground as hard as pavement and useless for an entire year. This latter type of damage is done primarily by the sprig and mallard ducks, whereas the widgeons feed on the grain and produce, ravaging fields of lettuce, alfalfa and any other green feed including carrot tops, cabbage and so forth, with most of the damage being done at night when hunters are not generally allowed to shoot. It was roughly estimated that the amount of depredations to agriculture approximated $100,000 to $500,000 each year, reaching its maximum just after the start of World War II. It was reported that in 10 days' time widgeons in February ate 300 acres of lettuce during the night, costing the owner $100 an acre of actual investment in the crop. The statement was also made that rice growers lost from 25 to 50 percent of their crops to the ducks during their harvesting operations.

One committee was seeking more land for the U. S. Fish and Wildlife Service for experimental purposes to help alleviate the duck depredation problem. Various approaches have been made toward alleviating this duck depredation problem, including the hand feeding of dry grain

on a 3,000 acre piece of land, which worked very well; also an airplane was used for herding the ducks until the crops were harvested, producing excellent results. Results of an attempt to develop a palatable food for the ducks in the sub-marginal area around the southern shore line of Salton Sea were very poor and proved to be expensive as well. It was pointed out that the hand feeding works very well on the birds that arrive earlier in the season but that the widgeons still prefer the farmers' products. The farmers and other groups in the area have attempted to plant grain feed in certain areas to distract the birds from the farmers' fields, but they feel that all they have accomplished is to attract larger flights of ducks, increasing their problem. In addition, the people of the area have also tried pyrotechnics and revolving lights all night on freshly irrigated alfalfa and lettuce. Although these practices are fairly effective on a particular area, primarily such practices only serve to scare the birds to another area not covered with pyrotechnics or lights.

It was indicated that in 1954 only 3 percent of all the birds taken on the public shooting areas in the Imperial Valley under the operation and management of the California Department of Fish and Game, were widgeons.

Public support in the south land helped toward the passage of the Lea Act, which provided that the U. S. Fish and Wildlife Service either purchase or lease an additional 20,000 acres in California for the use of migratory waterfowl. This, however, did not alleviate the widgeon problem but it did provide good goose hunting. Finally, after an appeal of the interested people in the area to the U. S. Fish and Wildlife Service, a request was granted for a special depredation order to start immediately at the close of the hunting season and to continue as long as necessary. This arrangement, it was pointed out, worked to perfection and has proven to be the most economical and practical experiment so far. By this authorization the sportsmen call the farmers that are having the trouble, to find the location of the ducks and then proceed to that area to try to annihilate them. This depredation order provided that widgeons and coots could be hunted 24 hours a day, with no bag limit, over the agricultural areas suffering depredation. Of the 40,000 of these birds wintering in the valley, according to a survey 4,000 widgeons were taken under the special depredation order in 1954; and only 2,000 widgeons of the 70,000 estimated to be in the area were taken during the depredation order of 1955. More land is being solicited for the Fish and Wildlife Service, possibly through the Duck Act which allows hunting on 25 percent of the acquired acreage.

It was further recommended that the Fish and Wildlife Service of the Federal Goverment be requested for a continuous supply of flares. Another suggestion was that the Federal Government be requested to supplement the funds of the Lea Act in order to secure more special depredation orders.

Findings of the Committee

No specific conclusions were reached, since migratory waterfowl principally are a federal responsibility. However, the committee believes that efforts toward a reasonable solution should be continued.

HUNTING ON STATE PARK PROPERTY

The State Park Commission for many years has ruled against hunting of any type within state park property boundaries. To this philosophy there has been opposition from sportsmen who felt that no intrinsic harm would come to the parks if they were opened to limited hunting.

The following are representative excerpts relative to this problem, which were developed by the committee's hearing in Los Angeles.

At the present time approximately 37 percent, or 37,582,740 acres, of the State in government ownership is open to hunting out of the 100,-353,000 acres constituting the entire State. The State Park System with 138 units comprises approximately 0.58 percent of the State of California, or 563,140 acres.

Investigations have indicated that with respect to certain of the parks some question has been raised whether those particular areas should be park or game management areas. Studies have shown that the game content in some of those questionable areas is exceedingly small. It was pointed out by a representative of the Division of Beaches and Parks that many independent acreages are very small and policing the boundaries of these small parks is quite a problem when there is hunting in areas surrounding them. He pointed out further that there was an attempt to reserve certain areas along the Colorado River for state jurisdiction, some to be used for game management and hunting and certain areas which would not be as beneficial for hunting would be preserved as state parks. The division feels that it is encumbent upon the State to provide more inland parks because of the lack of those types of facilities throughout the State, and that there was no intention to change the Park Commission's policies regarding hunting in those areas. He stated that many areas which have become state parks were donated or made available through matching funds from local governmental agencies and certain interested groups and that the wishes of these donors must be considered in determining the proper use of the parks. He stated further the the division felt that there are many, many lands still in need of habitat improvement throughout the State, and that in view of the present concept of the park program, based on the historical development of the park system, all areas outside state park property should be improved for hunting and fishing for the sportsmen of the State before any thought should be given toward making state park property available for hunting.

The Division of Beaches and Parks' representative presented the following recommendations and references with respect to the program of the Department of Fish and Game:

"1. Public access to coastal and inland fishing areas should be provided.

2. Expansion of cooperative areas to ensure an excellent relation between the land owner and the sportsmen. In this program we realize that never will governmental agencies be able to acquire enough land to satisfy the hunting and fishing needs.

3. The need for more state-owned game management areas. Our field men have heard the suggestion that camping facilities of the most minimum type to accommodate the men while they are hunting should be added on state-owned areas.

4. Stepped up development of habitat on all land dedicated or available to game harvesting, and this includes the gallinaceous guzzler program.
5. A reasonable expansion of the "put and take" program for the masses with full realization that the spiritual value of the sport to the hunter and fisherman would justify in returning at least occasionally with an empty bag or creel.
6. The hunter-safety-program, we feel, is a step in the right direction. Several of our rangers are actually participating in the instruction of youth groups in this program and the need for this work has been very close to us since among the many park visitors we find people attending particularly during the hunting season, because they are afraid to go in areas where hunting is allowed.
7. The effort of the department through the years to expand predator control on an incidence-problem basis rather than on a geographical basis.
8. Assurance of more access structures for anadromous fishes in connection with water projects by bringing pressure to bear to have fishing and recreation recognized as legitimate uses in managing the State's water plan.
9. Expansion of the waterfowl resting areas and a geographical placement of them to provide maximum protection for the crops in the State. There are numerous other phases in the progressive program now being carried out by the Department of Fish and Game.

Also in relation to the program of the Department of Fish and Game the representative of the Division of Beaches and Parks expressed the following conclusions:

1. The Division of Beaches and Parks is progressing at a rapid rate in an attempt to take care of the recreational needs of the masses.
2. We believe the recreational program should be integrated with that of the United States Forest Service in National Parks, and that local, regional, county park progress should be encouraged.
3. The State Park System is a heritage for future generations and in the growing competitive pressure for wild land use we should not lose sight of the fact that the State Park System was organized to preserve natural areas in as nearly a native state as possible.
4. The State Park System endorses the rapid progress being made by the Department of Fish and Game to improve the success of the hunters and fishermen and we are at present working closely with them on a number of projects.
5. At the present time the less than one-half of 1 percent of the 100 million acres of California in state parks is almost too little to devote to this concentrated use. Evidence of the value of this type of land use is the statistics of 40 million visitor days attendance to the State Park System. During the past 10 years during which the State has experienced an increase in the population of 35 percent, the State Park System has borne the impact of an increase in visitation of 166 percent."

A sportsmen's group indicated that the only area that it feels should be opened to hunting is the Anza-Borrego Desert State Park. That particular group feels that this huge acreage, which provided such good bird hunting before it became a state park, should be opened for hunting inasmuch as hunting areas in Southern California are so limited. It was pointed out by this group that much of the game in this particular area would fall prey to predators or die of old age and that it was only reasonable that hunters should be allowed to take these surpluses.

A representative of the Division of Beaches and Parks alleged that there is considerable poaching in the Anza-Borrego area and that carcasses of mountain sheep have been found minus the trophy head. He stated further that extensive surveys in the area have indicated a scarcity of game birds. The plans of the division include some reduction in the area of the Anza-Borrego Park which at the present time consists of 450,000 acres in an attempt to consolidate boundaries. This will result in the release of certain areas for other uses.

Findings of the Committee

1. The State Park Commission is legally charged with the responsibility for policies to the operation of state parks.

2. Fishing but not hunting is allowed in the park system.

3. Any change in State Park Commission policies must come from that body, and interested groups should attempt to resolve their respective problems with the commission.

THE SALTON SEA FISHERY

From 1950 through 1953 the Department of Fish and Game planted in the Salton Sea, some fish which were taken from the northern part of the Gulf of California near San Felipe No specific selection of fish was made. The intent of the department was to find if any one species could live in the environment peculiar to this inland sea. Subsequently it was noted that the gulf croaker thrived and had reproduced to the point where there were literally millions in the sea in 1953. The Wildlife Conservation Board then made funds available for research in the Salton Sea, which was begun in March, 1954.

Scientific investigation indicated that one of the matters of concern had been the fact that the Salton Sea was not strictly a normal marine environment and was apparently a difficult place for fish to adjust to It was explained that the Salton Sea was formed from fresh water and over the last 50 years the water has developed from one of no salinity to a condition where in 1948 there was more salt per volume than in the ocean. However, the salt consistency was different than in the ocean. In the past few years the lake level has risen from increased fresh water irrigation runoff, thus reducing the salinity slightly below that of the ocean. This made the environment more nearly marine but still of different salt content.

It was indicated further that the temperature range in the area had a great deal to do with the existence of fish since it varied from over 100 degrees to less than 50 degrees, thus making it very difficult for certain ocean organisms to adjust.

An initial concern was the condition of the oxygen content in the sea but scientific investigations had disclosed that oxygen had kept at a reasonable volume throughout the year with only the bottom area of the sea becoming oxygenless in the summer. However, this did not affect the fish since they could swim out of that particular area. It was found further that the croaker feeds almost entirely on one organism, which is a marine worm. This worm population in the summer is low and presents a shortage of food for the croaker.

The investigation had also disclosed that there were six species of fish at the present time comprising the population in the sea. Two of them, the pup and the mesquite fish are small shallow water forms that have little importance, and the third which is the mullet still occurs in some quantity. However, this specie appears to be dying of old age with no reproduction and apparently no more migration from the Gulf up the Colorado River. The other three species were introduced from the Gulf of California by the Department of Fish and Game, two of them being very large game fish known as corvinas or "corbinas." The third specie as mentioned before is the Gulf croaker. The croaker and the mullet, as well as the mud sucker, are forage fish. It was noted that the croaker reaches a maximum size of 10 to 11 inches and is very abundant everywhere in the sea.

At the present time there is an extremely abundant food supply for large predatory fish and the two species of corvinas have shown ability to live and reproduce in the Salton Sea. Also, noted were evidences of thread fin shad in the Salton Sea which probably came from the Colorado River plants. The Department of Fish and Game feels that the Covina fishery is potentially of prime importance as a sport fishery for Southern California.

Findings of the Committee

1. The Salton Sea is potentially one of the most important Southern California recreational areas.

2. The success of the investigations resulted from itensified short range research.

3. A continuing check of the Salton Sea fishery must be maintained to note any fluctuations in the sea's environment for applicable management.

4. The Salton Sea should be closed to all commercial fishing, excepting crustaceous and sports angling encouraged and studied as to appropriate conservation and control measures.

COLORADO RIVER BOUNDARY NEGOTIATIONS

During the meeting in El Centro, December 17, 1955, a discussion ensued on the problems of jurisdiction over various Colorado River areas.

It was indicated that originally when the Bureau of Reclamation started development of the Colorado River it planned to use those public lands for six miles on either side of the river for administrative purposes, and then found that it did not need all of those particular areas. The Wildlife Conservation Board then allocated approximately $350,000 in 1948 or 1949 for development of recreational hunting and fishing areas along the river, later reducing that sum to approximately

$130,000 and then again to the present sum of $50,000, primarily to keep the project alive. An attempt was made to initiate the Tri-State Development Program among the States of Arizona, Nevada and California, considering all the lands from Boulder Dam to the international border for fishing and recreational purposes. However, the initial meeting among the three states failed to develop anything agreeable to all.

The Secretary of the Interior through the Colorado River Great Basin Study Committee started a land use and administration study of all those public lands along the river for the purpose of working out a formula for the best use of those lands. This committee made some suggestions based on a survey in which the Department of Fish and Game participated in September of 1953, and from its preliminary report made suggestions for the use of the various lands designated. No final action was taken until about June of 1955 when the secretary released the formal report of the land use committee. When it became known that undoubtedly certain lands would be restored to public use it was announced that official agencies, that is federal, state, county and city governments, and any other interested public entities might first make application for the administrative use of the land. Pursuant to this action the Division of Beaches and Parks of the State of California filed its request for certain lands along the river and since under the State Park Commission policy there could be no hunting in the proposed state park, the sportsmen raised some questions as to the desirability of such use of the area. To resolve this problem, the State Park Commission and the Fish and Game Commission met in October of 1953. The agreement reached concerned the external boundaries of the proposed park areas, and those boundaries bordering on the river were left to be negotiated by the respective staffs of the Division of Beaches and Parks, the Department of Fish and Game and the Fish and Game Commission. The Department of Fish and Game and the Division of Beaches and Parks reached an amicable agreement which those agencies feel is acceptable and which it is presumed will meet with the approval of all the interested people.

On September 26, 1955, the director of the regional office of the Bureau of Reclamation, in Boulder City, addressed a communication to the Governor of California advising that the bureau has been instructed by the Secretary of the Interior to release certain lands Most of those lands were within the six-mile corridor that had been withdrawn when the bureau first started the development of the Colorado River by constructing Boulder Dam, Davis Dam, Parker Dam and so forth. It was indicated that there were still other lands intermingled that had an overlay use assigned, by a presidential executive order, to the Fish and Wildlife Service constituting the Imperial Wildlife Refuge. Those lands are under the jurisdiction of the Bureau of Reclamation and to a small extent under the Bureau of Land Management, which naturally complicated the procedure of securing administrative authority, therefore, the clearance had to be secured through the Bureau of Land Management, the Bureau of Reclamation and the Fish and Wildlife Service. The largest of the sections desired by the Division of Beaches and Parks is the Picacho 4-S area around Taylor Lake. There are four sections around the lake which the division did not request and they will be requested by the Department of Fish and Game. Subsequently the por-

tion that is desired by the Division of Beaches and Parks will be relinquished to it for administration. This procedure was instigated to retain the hunting values that are now around Taylor Lake and to maintain their availability to the sportsmen of the State.

The Department of Fish and Game has an understanding with the Palo Verde Irrigation District by which certain lands will be released to the department's administration in order to provide for the management of an excellent recreational area in the southern end of Palo Verde Valley. That particular area would be an excellent habitat for waterfowl and of some value for pheasant and quail. At the present time it is known that there are some deer in that area also. It was pointed out that in the joint California-Arizona boundary commission preliminary report the particular areas mentioned above, or the bulk of them, would be shifted into the State of Arizona. However, the final report of the commission indicated that the present boundary was to be maintained, which would insure that those lands would remain in California.

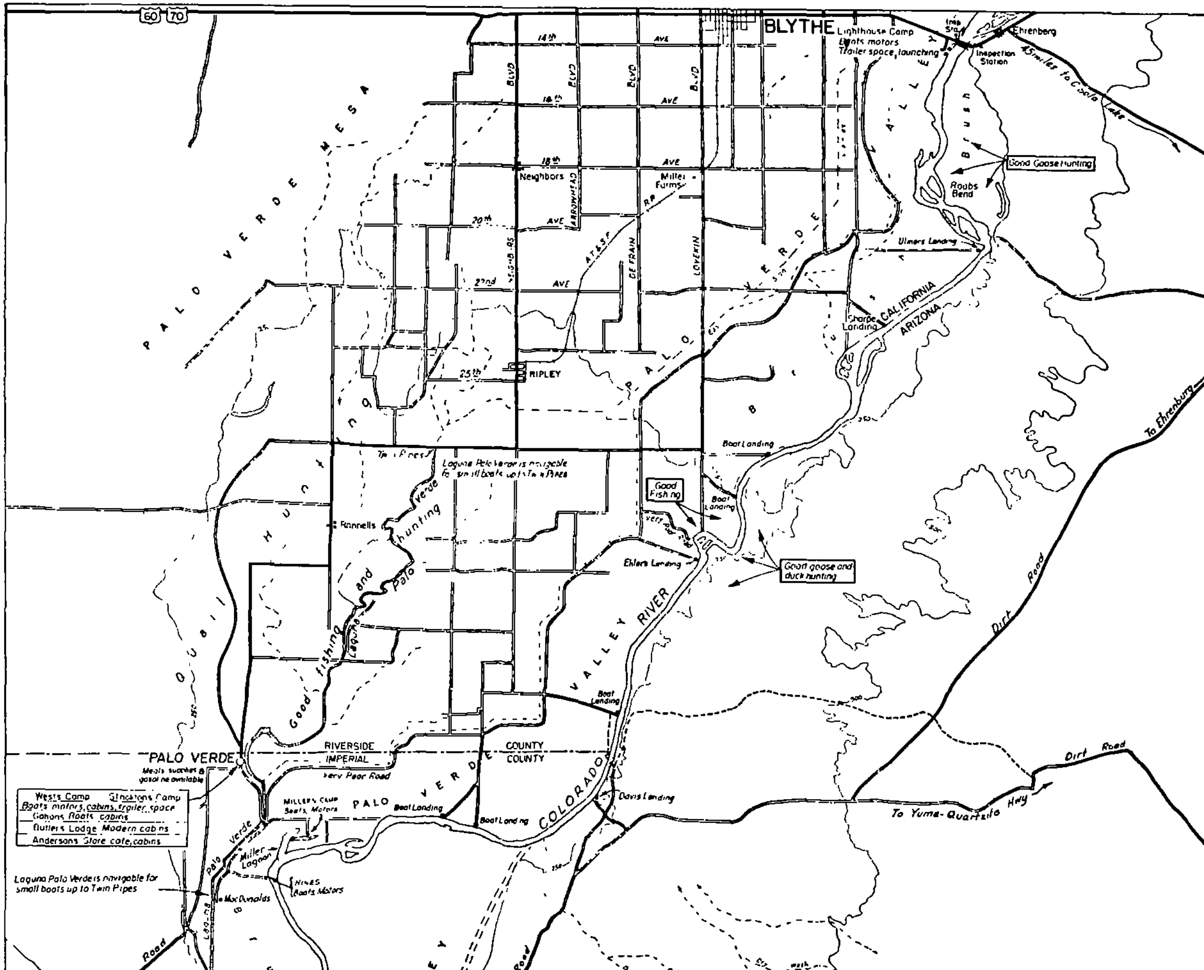
Another problem facing the multiple use of those lands centers on the number of squatters who have taken up residence on the land. This has occurred mostly since approximately October of 1954 and has resulted in the clearing and crop planting of approximately 2,000 to 3,000 acres of the area. It was pointed out further that up river from the lands previously mentioned are some for which there have been no surveys and over which there is uncertain jurisdiction. These unsurveyed areas are the most important along the river inasmuch as they are the overflow, river bottom lands which have the highest value for recreational use. The land on which the squatters have settled is federal land and the State can request that it be granted administrative jurisdiction over it, however, it could not receive title thereto

A very important factor is that, in a treaty in the late 1800's, the Colorado River Indians were given all of the land from the river to the western meander line. This point is so important that perhaps both the Division of Beaches and Parks and the Department of Fish and Game are considering actions that could, possibly, never materialize unless satisfactory negotiations could be concluded with the Indians, in the event the Indians' title to the land is held valid

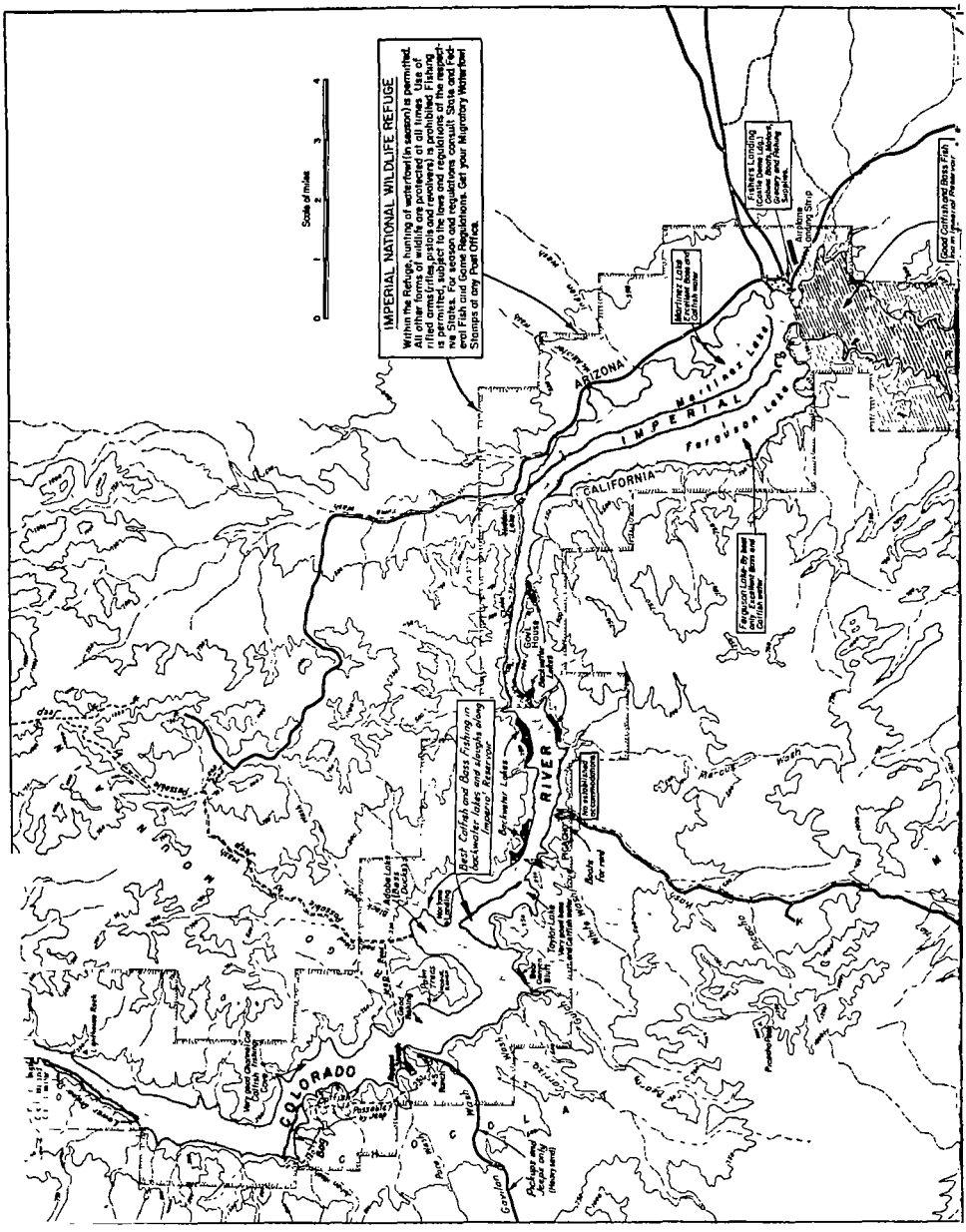
Another important factor to be considered is that after the land survey was made and the report released it was the decision of the Secretary of the Interior to assign, to the National Park Service, the duty of making a resurvey and recommendations for the best use for all those lands along the river. This situation, of course, might nullify any of the other previous actions taken. A representative of the Division of Beaches and Parks indicated that the number one priority for a park area between the Parker Dam and the boundary of the Colorado Indian Reservation had been abandoned because that particular stretch of land is just one solid area of squatters. The division is applying for about 14,100 acres of land along the Colorado River.

Findings of the Committee

1. The Colorado River area contains an environment suitable for multiple types of hunting, fishing and recreation.
2. Negotiations for this area are in a state of flux and involve many facets.



The Palo Verde Valley of the Colorado River



The Picacho-45 Area of the Colorado River

3. Because of the inland recreational potentials of this area for Southern California which is urgently in need of such facilities, it is imperative that the interests of the State be kept constantly before the controlling agencies so that satisfactory use permits may be obtained.

4. Every legal step necessary should be taken to prevent further encroachment by squatters in an area which may be the last hope for a major hunting, fishing and recreational area in Southern California.

TAKING OF DUCKS AND GEESE ON HUMBOLDT BAY

The consensus of the sportsmen in the area of Humboldt Bay is that the ducks and geese are beginning to shun the bay because of the constant hunting pressures. They maintain that this continued harassing of the waterfowl doesn't give the birds an opportunity to rest and feed.

In recognition of this problem, Assembly Bill No. 3677 was introduced during the 1955 Session. This bill amended would prevent hunting for ducks and geese in Fish and Game Districts 8 and 9 while in, on, or over any of the water of those districts, except on Wednesdays, Sundays, specified holidays and on any opening or closing dates of prescribed seasons. The bill passed both houses but on request was subsequently vetoed to allow interested groups and individuals to further explore the problem so that a solution amenable to all or the majority of these factions could be found.

This subject was discussed at the meeting of the committee in Eureka on November 27, 1956, and the following represents the gist of the testimony:

It was felt that any proposal on this problem must be in the interest of wild life conservation, be for the betterment of all the hunters in the area, and not be designed and worded so as to improve hunting for only one group or type of duck hunting at the expense of the other hunters in the area. One individual stated that Assembly Bill No. 3677 would accomplish very little toward allowing the ducks and geese more time to feed without being harassed by hunters at Humboldt Bay inasmuch as the majority of the area of Humboldt Bay is now open water and is not within the shooting range of any structure or object because of its inaccessability at low water by boat. He maintained that this open water gives the birds more than ample space to rest.

It was pointed out that the only food available in any quantity at Humboldt Bay is eel grass and in accordance with most authorities on wild ducks there are only a few species that will feed on this form of vegetation and then only when there is nothing else available As a conservation measure it was his suggestion that all hunting be restricted in Humboldt Bay to special days without regard to the method of hunting, whether it be from behind blinds above high water mark, below high water mark or from hunting boats. It was felt that this particular area has never been and never will be more than just a stopping place for ducks and geese unless something can be done to plant food in the area creating a natural habitat for the waterfowl and encouraging the birds to stay in the area.

A representative of the North Coast Conservation Council and its member clubs in the Humboldt Bay area stated that during the past 25 or 30 years the pressure of the everyday hunting during the season has started to drive the waterfowl away from the area He stated as a result of this activity that a restriction was placed on the days that scull boats could be used, producing desirable results. He indicated that certain people are herding the ducks back and forth with high powered motor boats forcing the ducks south or out into the ocean so that no one can benefit, and ultimately forcing the birds to move on. It was indicated by a departmental representative that it is against the law to herd the ducks, but that it is very difficult to provide complete control and patrol with available personnel.

A representative of a sportsmen's club indicated that his club would support a hunting measure that would allow the hunters in blinds on the bay to hunt just certain days of the week during the season, allowing individuals to hunt on the shore at all times during the season.

Another individual indicated that on the spit in South Bay there was a type of hunting that he felt should not be legislated against wherein the hunters put out decoys for brant which are a saltwater form of goose. These hunters have a movable type of blind which moves out with the tide to get in position for hunting. He indicated that this was the only method whereby brant could be hunted effectively.

Another testimony indicated that there were groups in the area that were in favor of setting up feeding areas on the bay to help attract the ducks, in that way bringing the ducks within shooting range on the days when rough weather would otherwise keep the hunters off the water.

It was indicated further that there had been opposition to the bill because it discriminated against approximately 50 percent of the hunters, moving them off of the bay. This individual further indicated that he felt that it would be better to hunt on the bay only on days that scull boats were allowed, indicating that Wednesday, Saturday and Sunday, or Wednesday and Sunday would be a good proposal for those particular days on the bay, thus leaving the birds alone the rest of the week which would allow them to rest and feed and would tend to encourage the birds to remain in the area.

Findings of the Committee

1. Ducks and geese are tending to shun the Humboldt Bay area.
2. Many factors contribute to this condition including:
   (a) Lack of desirable feed;
   (b) Continuous hunting pressure;
   (c) Indiscriminate herding of the waterfowl by power boats.
3. The consensus of the interested groups and individuals is that all the present methods of hunting should be allowed but that they should be limited to specific days of the week. The birds should be allowed to rest and feed on other days.
4. It would be desirable from both conservation and hunter benefit standpoints to establish feeding grounds in the bay.

MANAGEMENT OF THE OCEAN FISHERIES BY THE FISH AND GAME COMMISSION

Article 1 of Chapter 2 of Division 1 of the Fish and Game Code states:

> "No power is delegated to the commission by this article to regulate the taking, processing or use of fish, mollusks, crustaceous, kelp or other aquatic plants for commercial purposes and none of the provisions of this code relating or applying thereto nor any order, rule, or regulation of the commission made pursuant to such provisions shall be affected by this article or any order made pursuant to this article."

Certain sport group interests have recommended that the plenary powers over the commercial fisheries be vested in the commission, which resulted in Assembly Bills Nos. 62 and 3823 of the 1955 Session of the Legislature.

These groups contended that the salt water commercial fishing regulations require attention at more frequent intervals than can be afforded by the Legislature which now exercises control over the commercial fishing industry.

Those not agreeing to this approach, feel that it is the continuing obligation of the Legislature to exercise such control as it deems necessary over the commercial industry, inasmuch as that industry is of such great economic importance to the State.

Testimonies of individuals on this subject during the hearing of the Assembly Interim Committee at San Pedro on January 26, 1956, evolved the following:

A representative of the department stated that it favors a program for intensive management of the ocean fisheries by the Fish and Game Commission since it believed that this type of legislation was necessary due to the serious decline of certain fisheries in the past few years. He stated further that the Legislature in some instances has not taken action to manage certain ocean fisheries and that it might be wise to try regulation by the commission on an interim basis to attempt to bring back those depleted fisheries. He stated that the department is opposed to the formation of a saltwater fishing committee, on the premise that the formation of another committee would just serve to confuse the issue. Further, that the commission is better able to manage the fisheries than the Legislature because it meets on a monthly basis and can give immediate attention to the problems as they occur.

Other testimony declared that the Legislature is not able to spend enough time on the job of regulating the commercial fishing industry to guarantee effective handling and that the creation of a committee familiar with the problems seemed like the best solution, since the commercial interests should have a part in determining their own management.

Another statement was that dynamic and continuing control is needed over the regulations of the commercial fisheries in order to insure a sustained harvest and to avoid further depletion, and that management by the Legislature is too slow a process.

It was pointed out that commercial fishing ranks fourth in the economy of California with agriculture, petroleum, and forestry ahead

of it. The commercial fisherman produces in the neighborhood of 200 million dollars' worth of commodities in a year to add to the economic wealth of the State, to which must be added the benefits accruing to the transportation and distribution industries as a result of this business. It was pointed out further that the Legislature has exercised jurisdiction over the commercial fisheries for some 90 years. Emphasis was placed on the accomplishments of the Legislature over these years pointing specifically to:

1. The open and closed seasons which have been altered when necessary on the saltwater species.
2. The Legislature has provided for specific utilization by requiring the minimum pack of cases per ton of fish.
3. It has restricted fish utilization for purposes other than packing, curing and bait, and it has delegated only limited powers to the Fish and Game Commission to determine whether there are available surpluses of fish for which the commission could issue permits.
4. The Legislature has provided penalties for waste and deterioration of fish.
5. It has provided for research on the fisheries for a great many years.
6. That actually the Legislature has gone even further in the field of research than mere budgetary support providing for special taxes and creating the Marine Research Committee to disburse the funds derived from the tax for research on sardine and similar species.
7. That it has made large appropriations in the budget to the University of California for the establishment and support of the Institute of Marine Resources at La Jolla.

It was pointed out that the Legislature in its regulation of the commercial fishing industry has gone far beyond the powers of the Fish and Game Commission, had the latter body been vested with that responsibility. Furthermore, it was pointed out that the Legislature in refusing to grant the regulation of commercial fishing to the Fish and Game Commission in 1945 had predicated its decision on the fact that the ocean fisheries are comprised of fish which are not actually a resource of the State of California, whereas the inland fish and game in California are actually the State's own product primarily and could logically be controlled by the commission.

A representative of the Fish and Game Commission indicated the commission feels that quantitative legislation is one of the most important and valued approaches to a continuation of any given specie of fish or game and that whether it be the commission or some special advisory committee, the problems of the ocean fishery should be reviewed at least once a month. He indicated that an alternate solution to the problem would be for the Legislature to retain the primary responsibility for action during legislative sessions but that possibly it could delegate the power to some other group in interim periods in order to meet any emergencies which might arise. It was declared that it would be constitutional to so delegate the responsibility and power to take action on any problems that might arise in the interim to a committee or commission other than a legislative interim committee.

Others commented that the industry was not so unstable that the Legislature could not effectively control it during the normal sessions, and if any emergency arises it can be taken care of during the budget session rather than to wait for the general session.

Findings of the Committee

Although general controversy surrounds the problem of legislative versus commission control of the commercial fisheries, the consensus leans toward the continued retention of such responsibility by the Legislature.

PROBLEMS RELATIVE TO CLOSED AREAS

Certain criticisms have been levied against the commercial fisheries for fishing within what are termed as "closed areas," primarily by people who do not realize that these areas are for the most part closed to the use of certain types of gear rather than closed to commercial fishing per se.

A few of the closed areas are Santa Monica Bay with boundaries running from Malibu Point to Palos Verdes or Rocky Point, covering a shoreline area of approximately 27 miles wherein all gear is banned with the exception of a bait net. The bait nets may be used by the commercial fishermen for the purpose of taking fish for bait only and by law the only fish that can be used for bait are sardines, anchovy, queen fish, smelt and a few other minor species.

Another restricted net area is Fish and Game District No. 20, which surrounds the majority of the waters off Catalina Island running from the west end and proceeding to a point known as China Point. In this area all nets are banned including the bait net except in one minor instance where a gill net may be used in a very small portion of this district to take flying fish for bait purposes only.

Another closure referred to as the Orange County closure is in effect from May 1st to September 10th of each year This area runs two miles off the beach beginning at the mouth of the Santa Ana and extending south six miles constituting a two-mile radius around Dana Point; another is a two-mile radius around San Mateo Point. Each of these points are heavily fished by the sports fishing boats.

Another closure is three miles off of the beach and runs the entire length of Orange County. Closure is from May 1st to September 10th but is in effect only from sunrise Saturday to sunset Sunday. The only nets banned in these areas, as mentioned, are purse seine and ring nets.

Another small closure is Fish and Game District 19, around which are the waters of Los Angeles and Long Beach harbors behind the breakwater. In this area only a bait net may be used. It was indicated that those using bait nets actually fish that area for other purposes than for bait, constituting a very difficult patrol problem. Recent court decisions indicate that the law was entirely inadequate to stop that practice. It was further indicated that the entire coast of California beyond Fish and Game District 19 is closed for three miles out for drag or troll nets. In this area drag or troll nets may not even be possessed aboard a boat.

A problem was indicated that in Santa Monica Bay those under the guise of fishing for bait actually, in some instances, come in and take

sardines even though they do not intend to use them for bait. It was pointed out that the patrol problem was difficult in this situation inasmuch as the boats put their sardines on trucks which are sent to canneries, and if a Fish and Game warden can follow any particular truck to a cannery the canner is informed that he will be in violation of the law if he cans those particular sardines, but as was indicated, it is almost impossible to follow each truck away from the dock.

Findings of the Committee

1. The department, through its conservation education section, should attempt to orient the public on closed areas to help eliminate friction between sports and commercial fishing groups.
2. Laws relating to closed areas should be reviewed for the possibility of revising them to provide more stringent penalties for violations thereof, as an incentive measure to insure better observance of them.

BARRACUDA PROBLEMS

Barracuda have become less and less plentiful along the coast of California, disappearing first in the northern extreme of its usual habitat and continuing this trend southerly to and beyond the Mexican International border. There have been varying reports of the occurrence of barracuda below this border, but of major consequence is the condition of the barracuda fishery off California coasts.

The sport fishing interests, primarily the sport fishing boats which charge a fee for taking sport fishermen to likely waters for fishing, maintain:

1. That the barracuda is the number one attraction to the sport fishing enthusiasts.
2. That the decrease in this specie is adversely affecting their trade.
3. That the barracuda is only a minor fishery of the commercial groups.
4. Therefore, since the barracuda fishery is of minor economic value to the commercial group and of such high economic value to the sport boat fishermen, that commercial barracuda fishing should be discontinued.

The commercial fishermen contend that:

1. The low catch of barracuda cannot be attributed to the presumed low population of the fishery exclusively.
2. The decreased commercial catch is partially attributable to the low consumer demand; the low sports catch due to greater emphasis on albacore and other game fish.
3. Commercial barracuda fishing is necessary to provide a cheap fish to individuals of moderate means.
4. It is not the commercial fishing which has caused the waning of the barracuda fishery, but rather the many as yet unexplained factors such as possibly, ocean currents, water temperatures, pollution, etc.

The committee devoted considerable time to this problem at its public hearing on January 25, 1956, at San Pedro.

The following opinions and information were brought to light during the course of the meeting:

It was indicated by the Ocean Fish Protective Association that that organization no longer supported Assembly Bill No. 803 in its present form, but rather would submit an alternate proposal which in effect merely stated that it was the desire of the bill to prohibit the purchase or sale of California barracuda.

Substantiating data indicated that a California barracuda could very easily be distinguished from any other type. It was pointed out that there are several different ways that a particular specie of barracuda can be identified such as by the count of gill covers, fins and scales. The California specie ranges as far south as Magdalena Bay in Lower California and north to Ventura County in California.

A representative of the department pointed out that the barracuda do migrate to a certain extent but that there is little knowledge of the migratory pattern. He stated further that the California barracuda used to range as far north as Monterey and occasionally have been found even as far as Canada and Alaska.

It was brought out that approximately 33⅓ percent of the barracuda brought into California are caught in foreign waters, the rest being caught in California waters with the amount caught in the California waters approximately evenly distributed between sport fishermen and commercial fishermen. The sport fishermen tend to catch slightly more than the commercial fishermen. The departmental representative indicated that the scarcity of the smaller fish was of greater import than the scarcity of the larger fish, indicating that something was affecting the spawning areas of the barracuda. He further indicated that it would be easier to enforce a law prohibiting the sale or purchase of barracuda than it would be to close areas along the coast and have them patrolled. Apparently the only man-made effect that has produced a serious inroad upon barracuda is pollution, although the department has no proof that ocean pollution has actually affected the barracuda population. He indicated further that the barracuda resources were not of such importance to justify the cost necessary to attempt to rehabilitate them in the California waters. He stated that possibly the barracuda had been depleted to a certain point where it was impossible for its population to regain its strength and if this were true the department would recommend the curtailment of the total catch. The departmental representative further pointed out that whatever California's action was on its barracuda problem it should be very thoroughly and carefully weighed inasmuch as many Latin American countries follow the action of California without making an individual study. Therefore, California's action may affect the entire industry.

It was pointed out at the meeting that the fresh fish markets in San Pedro are opposed to any further limitations or restrictions on commercial fishing pertaining to barracuda, especially since no specific data has been supplied to indicate the necessity for such an action. Barracuda meat, as found on the market, is dark and boney and spoils rather readily. It is an inexpensive food item for people of moderate means. It was postulated that although the statistics show a lessening of the commercial catch in the last few years, that perhaps the real reason was because the demand for barracuda had reached an economic low,

therefore, making it not quite so profitable to be fished commercially. Another factor affecting the barracuda economic value is that the supply is unstable. Experience has shown that the absence of a specie from the market for a period of time lessens its demand and popularity with the shopper. It was pointed out that the result of the lessened value of barracuda to the fisherman coupled with the increase in the cost of fishing equipment have forced the fishermen to turn to fishing for more economically valuable fish. Therefore, perhaps it isn't the shortage of barracuda but rather the lack of fishing pressure by the commercial fishery on barracuda that has resulted in the low barracuda take figures.

It was brought out that there possibly are very many other factors contributing to the scarcity of the barracuda, including pollution, predation by marine animals, certain oceanographic forces and changes and thermal conditions, as well as the extremely important factor of the kelp harvesting. It was estimated that only 5 percent of the registered commercial fishing vessels actually fish for barracuda, but that even with this low percentage as much barracuda was being taken commercially as was by the large fleet of sport boats. It was further emphasized that legislation restricting the commercial take of barracuda would be for the benefit of the comparatively few persons able to afford the anglers' high cost, and that it would not be in the interest of the great mass of consumers who like to eat barracuda.

The departmental representative stated that there has been no full-fledged research program on barracuda, although certain information had been collected from other types of investigation. He alleged further that in the oceanic program primarily concentrating on the sardine, anchovy and mackerel group of fish, the collection of eggs and larvae of all kinds of fish indicates the scarcity both in California and in Mexico of the small barracuda.

Much of the testimony indicated that the majority of those present were against any delaying tactics such as long-range study or research because of the critical condition of the fishery at the present time, and further that if any action should be taken the burden should not be thrown on any one group.

Findings of the Committee

1. There is an obvious lack of scientific knowledge relative to the barracuda fishery.

2. Without the necessary data for determining the proper management of this specie, any recommendation for control would be based on assumptions.

3. The barracuda is a marketable variety and therefore affects the economy of the commercial groups.

4. The barracuda is of primary importance to the sport boat fishing groups as a "drawing card" for sport fishing customers.

5. The relative importance to the groups involved has not been established.

6. In view of this situation, controls applied should affect both the commercial and sport groups equitably.

7. A study of the barracuda fishery is to be combined with a white sea bass study to be initiated by the Department of Fish and Game in

Fiscal Year 1957-58 under the Dingell-Johnson Federal Aid Program.

8. Many factors other than fishing pressures apparently contribute to the condition of the barracuda fishery including pollution, kelp bed harvesting, water temperature and a variety of oceanographic fluctuations.

9. Immediate controls should be effected on an interim basis, to be further adjusted as results of research might dictate.

"WEEKEND" COMMERCIAL FISHERMEN

For a variety of reasons, there are many individuals who buy commercial fishing licenses so that they can take more fish of a given specie than a sport fishing license would permit, even though they are not dependent on commercial fishing for a livelihood.

This practice has met with disfavor from both the commercial groups and the bona fide sportsmen. The following testimony was heard by the committee relative thereto:

A letter was written over the signature of the Director of the Department of Fish and Game to the Office of the Attorney General relative to this problem, requesting an Attorney General's opinion of possible solutions. The Attorney General's reply indicated that perhaps since the problem revolves around the license itself that it might be solved if commercial licenses were limited to those who are actually in the commercial fishing business for their livelihood. The Attorney General suggested that a sentence be added to Section 990 of the Fish and Game Code to read substantially as follows: "No person shall engage in commercial fishing as defined in this section unless the major portion of his earned income is derived from such commercial fishing. As used in this section the words 'earned income' mean income only acquired by the work or labor of the licensee." Another suggestion was made that the last sentence of Section 809 of the Fish and Game Code might be revamped to require written daily orders from commercial buyers for the fish to be taken. It was admitted, however, that this would require more patrol effort by the wildlife protection branch of the department. There was a great deal of interest indicated in the Attorney General's suggestions as outlined above, although a representative of the union workers felt that they should be further amended to require that the license should be confined to a particular season, inasmuch as some commercial fishermen confine their fishing work to certain periods, working the remainder of the year in other industries. It was indicated that if a fisherman were required to carry a bona fide order for his fish the court could hold both the buyer and the seller guilty for any violation of this practice.

It was pointed out that the reason behind the fact that many people buy commercial fishing licenses is that they go to an area to spend a vacation where they can fish. They catch their fish early in the day and as sports fishermen they cannot fish any more that particular day, but by buying a commercial license they can continue to fish and then sell their fish to local markets helping to defray their vacation costs as well as extending their fishing time. This is a very popular practice and a great percentage of people do buy commercial licenses for that purpose.

A representative of the Department of Fish and Game presented a possible solution to this problem whereby salmon tags would be issued so that a person would be allowed to keep more than one daily bag limit. The procedure would be to tag the fish as they were caught to indicate the day on which they were taken. He felt that this tagging would eliminate the selling of the salmon to fish dealers by sportsmen which, in itself, is illegal.

One individual indicated that of 94 boats tied up at his moorings in the summer at one time, 75 of them averaging between 14 and 15 feet in length were operating under commercial licenses. It was felt that this situation exists primarily in those areas where both sports and commercial fishermen are taking the salmon, and in order to eliminate the possibility of almost all of the sports fishermen buying commercial licenses that perhaps the tagging system would be the answer.

Another possible solution to this problem was suggested whereby the commercial gear and boat size would be evaluated in order to determine what constitutes a commercial fishing operation. In regard to this latter recommendation it was pointed out that one approach would be to require an evaluation of $2,500 on boat and gear to qualify as a commercial fisherman Another recommendation would be to call in all of the fish and game plates which cost initially $1 and which the commercial fishermen reregister each year at a cost of $10. The department could issue a new set of plates at an initial fee of $500 and continue the $10 per annum reregistration each year following.

A representative of the department quoted an amendment that was made to the clam law affecting the Washington clams in Humboldt Bay which possibly could be applied to salmon fishing as well, which was "The holder of a commercial fishing license who has in his possession a current daily written order for clams issued by a fish dealer or restaurant may possess any number of clams, legally taken up to but not exceeding the number specified in the order."

Findings of the Committee

1. There are many people not earning any part of their normal livelihood through fishing commercially, who buy a commercial fishing license so that they may:

(a) Help defray the costs of their fishing excursion.
(b) Be able to take more fish than would be legally possible with a sport license.
(c) Be able to market the fish and thus legally dispose of them.

2. There are some sportsmen, not possessing commercial licenses, who illegally sell fish so that they can continue fishing.

3. Regulations to resolve the problems indicated in 1 and 2 above are seriously needed.

4. To obviate the possibility of one problem being enlarged by eliminating the other, regulations must be effected concurrently on each.

5. Currently, the proposals meeting with the approval of the majority would be to:

(a) Require a written daily order from a bona fide fish dealer for the fish to be taken on any single boat operating under a commercial license.
(b) Require that to qualify for a commercial fishing license, an individual must derive the major portion of his livelihood from commercial fishing generally, or specifically, during *any one given* season.
(c) Provide salmon tags to sport fishermen to be applied to each fish caught indicating the date caught, in order to clear the way for the sportsman to possess more salmon than he can currently have in his possession under existing regulations.

CHAPTER II

CITIZENS' ADVISORY COMMITTEE TO THE ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME

The Assembly Interim Committee on Fish and Game in order to obtain the opinions and recommendations of a representative cross-section of the commercial and sports fishing industries, with respect to problems of mutual interest to these industries, created a "Citizen's Advisory Committee" to which the Chairman of the Interim Committee was authorized to make appointments.

The chairman appointed leaders in all phases of ocean commercial and sport fishing to the committee, including representatives of the following organizations:

1. Fishermen's Cooperative Association of San Pedro, representing a segment of the purse seine boat owners.
2. Northern Packing Corporation and the San Francisco Sardine Association.
3. California Wildlife Federation, an affiliate of the National Wildlife Federation.
4. Seafarers International Union of North America.
5. California Fish Canners Association, Inc.
6. Ocean Fish Protective Association.
7. Local 33, I. L. W. U. Fishermen's Union.
8. Northern California Seafood Institute.
9. Southern California Sport Fishing Association, Los Angeles.

The Department of Fish and Game, although not a part of the committee, was instructed to have representation at each meeting to provide technical information services.

Meetings of the Citizen's Advisory Committee were held at Sacramento on April 5, 1956; Terminal Island on May 22, 1956; La Jolla on June 27 and 28, 1956; San Francisco on August 2 and 3, 1956; again at Terminal Island on September 24 and 25, 1956; and the final meeting at Eureka on October 15 and 16, 1956.

The Sacramento meeting was an organizational one, the second considered items to be placed on the agenda of the committee, and the remaining meetings provided for active discussion of those subjects.

The Assembly Interim Committee referred three bills of the 1955 Session to the advisory committee for its consideration and recommendations. These bills were Assembly Bills Nos. 62 and 3823, both dealing with the management of the ocean fisheries by the Fish and Game Commission, and Assembly Bill No. 803 dealing with barracuda regulations.

In addition, items voluntarily included in the agenda of the advisory committee which received considerable deliberation were:

Various aspects of the anchovy, yellowtail, abalone, crab, mackerel, sardine, tuna, salmon, halibut and white sea bass fisheries.

Privilege tax on processing fish, closed and open areas, oceanic recreation areas, predators, "weekend" commercial fishermen, Sacramento

River gill net fishing, Monterey Bay gear restriction areas, and marine patrol for the Monterey Bay, Morro Bay, Pismo Beach areas.

It was mutually agreed by the members of the advisory committee that no recommendation would be submitted to the Assembly Interim Committee which did not have the unanimous support of all committee members present at the meeting when such action was taken. There would be no minority or majority reports inasmuch as the entire Legislature during the 1957 Regular Session would have the opportunity to consider each phase of any controversial matter not acted on by the advisory committee when presented by the interested parties during the course of the session.

Following are various aspects of the subjects on which specific recommendations were made to the Assembly Interim Committee by the advisory committee with the pertinent resolutions passed by it.

WATER POLLUTION

Testimony at hearings before the advisory committee on the subject of water pollution revealed that 70 percent of the fluid waste of California is discharged into the ocean. Control is vested in many different agencies with the primary administrative jurisdiction lying with the regional water pollution control boards. With nearly all sewage and industrial waste going into the ocean and population increasing far beyond expectations, conditions in the sea waters have reached a point of major concern. Requirements have been set up by the Water Pollution Control Board governing the discharge of sewage. Additional industrial waste treatment is needed and the board has allocated funds this year for studies of outfalls in Southern California. Little is known about the effects of outfalls on fish life and there seems to be no adequate understanding and consideration of the marine resource.

The large scale disposal of industrial waste seems to be the prime contributing factor. There has been a trend toward requiring that industrial waste be separated from sewage. At the present time there is no feasible method for removing from water such wastes as brine from the oil fields; solids are easier to remove. The cost of waste treatment has been given prime consideration with too little thought devoted to the protection of fish and plant life. To further illustrate the quantity of sewage disposal into the ocean it was pointed out that the present daily discharge into the ocean equals the amount of water Southern California will receive daily from the State Water Plan.

A specific incident of the affect of the sewage outfall on marine life, was illustrated by the condition of the marine habitat at the White Point outfall, where practically all marine life is either dying or leaving the area. Tests have shown that abalone in that area are sick and unknown agents or chemicals in the water have eaten away the shells. White Point abalone transplanted to Catalina Harbor gained weight while abalone transplanted from Catalina to White Point have lost weight and have developed shell rot.

It was noted that beaches have been quarantined from time to time and little concerted effort has been extended to keep the people out of the polluted areas. The major studies conducted by the department have been at White Point and only spot investigations have been made in other areas.

At the present time the Department of Fish and Game is conducting a kelp bed study which will be correlated with another study of the affect of sewage outfall on marine life being conducted by the State Water Pollution Control Board. The results of these related studies should produce information of value as to the effects of pollution on marine life and provide valuable aid in the future determinations for the control of sewage outfall and industrial waste being deposited into the ocean.

MARINE ANIMALS

Those animals considered to be predators in the sea are mainly seals, sea birds, jellyfish and sharks Studies of the stomach contents of seals disclose that they contain more squid and octopus than they do game fish, although it is known that they will eat whatever is available in the area. It was indicated further that seals inflict serious damage on gill netting and halibut fishing operations. A seal will eat an average of 10 pounds daily, although it is known that a seal can go for several days without taking fish Statistics indicate that 75 percent of the food fish eaten by seals are not of the particularly desirable species, but that the seal population consumes approximately 18 million pounds of food fish annually having a value of approximately $540,000.

Since the turn of the century there have been may complaints regarding damage to gear and fish populations but the only systematic killing of seals was undertaken briefly in 1950 Because of their playful habits the seals destroy many game fish and frighten them into migrating from favorable angling areas.

It is not known what toll the sharks take on the population of game fish, although it is known that their diet consists of game fish and kelp. Sea birds prey on herring and herring eggs and although they destroy large numbers of eggs this would have little affect in view of the large number available Also, jellyfish prey heavily on young marine life and plankton and have been found with as many as 300 fish in their stomachs.

At the present time, as a control measure, fishermen being annoyed by seals are permitted to shoot them if the seals are interferring with the fishing. Also, collectors permits are issued to take California seals for zoos, circuses and so forth and it was indicated that over 500 seals in one year were taken for these latter purposes.

It is apparent that while too little is known about the predatory habits of the seal, it is believed that the seal population is on the increase. The committee felt that a population count should be made as well as a study of the feeding habits of the seals to determine the degree of predation and the loss of game and commercial fish, and also to determine the best method to alleviate the problem.

RESEARCH

The advisory committee in emphasizing the importance of the commercial fisheries to the economy of the State, it being the fourth industry in importance, felt that it is encumbent upon the State to provide more moneys for research than are at present provided from available sources. It was pointed out that the California fishing industry consists of several segments: (1) the boat owners working together to

secure the raw material; (2) canners, freezers and fish market operators who process the raw materials; (3) can manufacturers, carton manufacturers, label makers and vegetable oil refiners are allied industries who supply part of the materials used by the fishing industry to produce this completed commodity. Therefore, this industry produces in the order of 200 million dollars worth of commodities a year to add to the economic wealth of the State. To this figure must be added the benefits to the transportation and distribution businesses. The world production of sea foods is approximately 30 million tons per year, and the world production of red meat is 44 million tons a year, which indicates the importance of the fisheries to the world economies. It is easy to understand, therefore, the reasoning behind the statement of the United Nations Educational, Scientific, and Cultural Organization that the sea and fisheries will have to supply the future animal protein needs of the expected world population of some 4 billion, which is about double the present population.

It is generally agreed that the present research program on the marine fisheries is hardly adequate. Further, that there are several well qualified institutions available to perform the needed research and the State should launch a full scale research program on critical fisheries at the earliest possible time. It is generally felt, further, that as a possible source of funds to defray the research programs needed that the moneys derived from the depletion of one natural resource, such as the tidelands oil revenues, could be used for the enhancement of another, the marine fisheries.

As a result of the deliberations by the advisory committee on this subject the resolution on research was formulated as presented in this chapter.

MARINE PATROL

Initiating the advisory committee's stand on the providing of a patrol boat for the Monterey Bay, Morro Bay, Pismo Beach areas, was a resolution of the Sportsmen's Council of California. It was felt that generally the request was prompted by salmon violations at Monterey Bay in the spring and the drag boats fishing closer to shore than the three-mile limit in the Morro Bay area, as well as the fact that the boat previously stationed in that area had been transferred to San Francisco. It was pointed out that the ocean in the area involved is rough, necessitating a comparatively large patrol vessel equipped with radar. However, it was felt that it would not be proper for the committee to specify the type of vessel but rather indicate its support of the recommendation and leave the size of the boat to the discretion of the department upon its investigation. It was felt that the patrol boat in that area is necessary for the efficient enforcement of regulations affecting both commercial and sport fishing.

SARDINES

Sardines are pelagic fish, ranging over a wide area of the surface of the ocean and are subject to the affects of salinity, currents, temperatures and so forth, perhaps more so than any other fish. The disappearance of the sardines has never been satisfactorily explained by any research groups. It is estimated that there are approximately 500,000 tons of sardines in the waters ranging along California and Mexico with

perhaps 60 percent of that amount north of the Mexican border. Trends show that a larger percentage of sardines have been moving north into California waters each year but statistics have shown that there has been between a 22 and 42 percent natural mortality in the sardine population every year. It was generally conceded that the population of the sardine fishery depends upon recruitment of young fish. It was pointed out that 1939 was a very good year for recruitment of young sardines followed by a succession of very poor recruitment years until 1948. Since 1948 there have been no good years except for 1952 which was easily twice as good as any recent one, but still below average.

Several agencies have investigated the problem of why the sardine fishery failed and it was generally agreed that the poor four-year class recruitment combined with the natural mortality rate have resulted in more fish dying each year than were being born. There are those who feel that the more adults there are, the more fish there will be and if spawning stock is fished down or depleted in any way the number of fish produced will be limited. It is conceded that there is a relationship between the spawning stock and the year classes produced and a reduction in the number of spawners might have the affect of cutting down the probability of good year classes being produced. Following this line of thought it was felt that anything that is done to lower the mortality of the spawning population would in effect do something to rehabilitate the fishery.

One school of thought is that some undetermined oceanic factor could have an effect on the size of year classes produced, and the possibility of having good year classes at a necessary stock level are not as good as at a large stock level. The increased sardine landings in the 1954-55 season were composed of fish primarily from the area off Lower California. A representative of the department indicated that too much importance is placed on sardines as forage fish and that they are not particularly significant as far as the sportsmen are concerned.

The departmental representative stated that the industry can look forward to on and off seasons, depending on whether the sardine population moves north or south. It was indicated that a moratorium would be a gamble and may not actually accomplish anything, unless during that period there was a good spawning. Further, that regardless of relationship between the size of breeding stock and recruitment, when the fishery gets below a certain point there is no possibility of recovery. It was felt that under the present conditions there is no hope for the recovery of a fishery in Northern California and little hope under a moratorium in the Monterey area. It was indicated further that if the industry in Ensenada can expand and take the available fish in Mexican waters, during a moratorium in California, it would therefore reduce the mathematical chance of recovery of the fishery and capture the market. Therefore, it was agreed that if a moratorium approach were to be used to protect the fishery it would have to be by international treaty to accomplish anything for the fishery.

OCEAN FISHERIES MANAGEMENT

It was the general consensus that little was to be gained by changing the existing method of regulating the commercial fisheries by the Legislature inasmuch as that body has over the years performed a fine and

impartial job, and in consideration of the information derived from meetings held by the Assembly interim committee on this subject, the advisory committee arrived at the conclusion that it should recommend that no further action be taken by the Legislature with respect to Assembly Bill No. 62 and Assembly Bill No. 3823 of the 1955 Session.

ANCHOVY AND YELLOWTAIL

Relative to the anchovies, a representative of the department stated that it has been conducting a survey of the population of anchovies by observing the commercial and bait catches, both by airplane and ground surveys. He reported that in Central California after two years of a good fishery of anchovies they have been followed by years of very short supply. In recent times there have been only a few runs of anchovies consisting mostly of young fish. The fishery has been very disappointing in Monterey and San Francisco, causing general concern and the department feels that it is more than just a coincidence that the anchovies have disappeared after a concentration of fishing. In Southern California, he reported there have been large quantities of anchovies indicating that the greater population is a result of good spawning survival. He pointed out that there is not a large reserve of older fish and it could be that this present day of abundance could change to a greater scarcity because of that. The reason for the lack of the older fish is not known, but with most fisheries there is a cropping off of the older fish on which the fishery will have to depend. He indicated that the anchovies spawn over a wide area and the chances for a good spawning are better than with the sardines. Since there has never been the quantity of anchovies as there was with the sardines, the department does not feel that the anchovies could ever support a large fishery. The Department of Fish and Game favors the bag limit on anchovies because it does allow for a ceiling to make sure that there isn't a heavy take that could wipe out the fish.

Although the industry has generally been opposed to the bag limit on yellowtail and anchovies, it was generally agreed that since scientific information was not sufficient to indicate whether or not bag limits have any affect on the population, the industry would not oppose the levying of a bag limit on an interim basis until such information can be determined by research by the department.

OTHER SUBJECTS

Considerable deliberation was devoted to the subjects of open and closed areas, oceanic recreation areas, weekend commercial fishermen, Sacramento River gill net fishing, Monterey Bay gear restriction areas, and privilege taxes on processing fish. But because no mutually agreeable solution on these subjects was arrived at by the committee, and because no majority or minority reports were made to the Assembly interim committee by agreement, and since the opinions of the interested factions relative to these items will be presented in the 1957 Legislative Session, the views of the committee members as expressed at the meetings are not presented herein.

RESOLUTIONS OF CITIZENS' ADVISORY COMMITTEE

RESOLUTION No. 1

ADVISORY COMMITTEE TO THE ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME

RE: WATER POLLUTION

Whereas, The Assembly Interim Fish and Game Committee has established an advisory committee composed of representatives of all segments of the marine sports and commercial fishing industry; and

Whereas, This advisory committee has been given the responsibility of studying many phases of conservation of marine resources and recommending subjects to the Interim Committee for possible legislation and future study; and

Whereas, The recognition given by the State Legislature to our marine fisheries is indicative of the importance of these resources; and

Whereas, It appears that the tremendous contribution that the coastal waters of California make to the economy of our State is not generally realized by the public; and

Whereas, The beaches and coastal waters of California are an absolutely irreplaceable part of our way of life, whose dollars and cents value are inestimable; and

Whereas, The studies of this advisory committee have shown conclusively that:

1. Almost 70 percent of the sewage and industrial wastes in California are discharged into our coastal waters;
2. Pollution of our coastal waters appears to be a serious and increasing hazard to our living marine resources;
3. Evidence is being accumulated that we believe will show the marine environment in the vicinity of sewage outfalls has been and is being seriously harmed;
4. The character and amount of sewage and industrial waste is rapidly changing in California and studies are urgently needed to evaluate the effects of such waste discharges on our marine fish and aquatic life;
5. The orderly economic growth of California demands the establishment of new or expanded industries which are potentially large producers of industrial pollutants, which are deposited in fresh water streams where they may constitute a serious hazard to anadromous and other fresh water fish life;
6. There has been much public discussion of existing deplorable conditions state-wide such as we have in the San Francisco, Los Angeles and San Diego areas, and immediate corrective measures are necessary;
7. There is no question that a stronger state-wide pollution control program that recognizes the importance of protecting our marine resources is absolutely essential; now, therefore, be it

Resolved, That this advisory committee request the Assembly Interim Fish and Game Committee to request the Legislature to:

1. Encourage research to develop information on the effects of waste discharges on aquatic life;

2. Support and strengthen a state-wide pollution control, prevention and abatement program;
3. Do everything possible to emphasize the importance of protecting the marine and fresh water resources of California from the deleterious effects of waste discharges; and be it further

Resolved, That copies of this resolution be submitted to Chairman Frank P. Belotti and the members of the Assembly Interim Fish and Game Committee.

RESOLUTION No. 2

ADVISORY COMMITTEE TO THE ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME

RE: MARINE ANIMALS

Whereas, Sea lions and other marine animals occur in large numbers in coastal fishing areas; and

Whereas, Such animals apparently feed on food fish and many people believe that they are unduly destructive; and

Whereas, Little information is available on the effect of these animals on the fish supply; now, therefore, be it

Resolved, That this advisory committee, being composed of representatives of all segments of California's marine sports and commercial fishing industry, hereby goes on record in favor of an investigation to determine the feeding habits of such animals, and the relationship between them and the abundance of fish, the investigation to include a study of control methods if such are found necessary; and be it further

Resolved, That funds for the investigation be sought from the federal aid to fisheries program, commonly known as the Saltonstall-Kennedy Act; and be it further

Resolved, That copies of this resolution be submitted to Chairman Frank P. Belotti and the members of the Assembly Interim Fish and Game Committee.

RESOLUTION No. 3

ADVISORY COMMITTEE TO THE ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME

RE: RESEARCH

Whereas, The ocean fisheries are a source of great economic value to the people of the State of California, providing food and recreation to millions and a means of livelihood to tens of thousands; and

Whereas, The abundance of some of the important species of fish seems to be declining; and

Whereas, Maintaining and increasing the catches of ocean fish depends upon the complete knowledge of all the factors that cause changes of abundance; and

Whereas, Such knowledge can be obtained only from a well-balanced research program; and

Whereas, Expansion of the present research program of the Department of Fish and Game to the required level is not possible at the present time because revenues in the Fish and Game Preservation Fund are inadequate to meet the current needs of the Department of Fish and Game; and

Whereas, the marine sport and commercial fishing industries of the State of California provide substantial revenues to the General Fund in the form of various taxes, yet are the only major natural resource industries in the State not receiving some form of assistance from the General Fund; and

Whereas, This committee has been given the responsibility of advising the Assembly Interim Committee on Fish and Game on ocean fisheries problems; now, therefore, be it

Resolved, That this committee go on record as recommending that additional moneys from the State's General Fund be appropriated for an expanded ocean research program, designed to attain the necessary information, in the shortest possible time, on which to base ocean fisheries management; and be it further

Resolved, That funds derived from the exploitations of a natural resource from an ocean area, i e. the tidelands oil royalties, be the source of revenue for such research; and be it further

Resolved, That such moneys be deposited in the Fish and Game Preservation Fund to be expended only under the direction of a new board similar to either the Wildlife Conservation Board or the Marine Research Committee; and be it further

Resolved, That any moneys made available from the General Fund or from tideland oil revenues for marine research be expended only in augmentation of marine research programs, and shall not be construed as in any way relieving expenditures for marine research carried on by the use of funds from the Fish and Game Preservation Fund; and be it further

Resolved, That copies of this resolution be submitted to Chairman Frank P. Belotti and the members of the Assembly Interim Fish and Game Committee.

RESOLUTION No. 4

ADVISORY COMMITTEE TO THE ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME RE: MARINE PATROL

Whereas, The Advisory Committee on Ocean Fisheries, appointed by the Assembly Interim Committee on Fish and Game, believes that there is an inadequate law enforcement in the area comprised of the Monterey Bay, Morro Bay and Pismo Beach portions of the California coast; and

Whereas, Some type of adequate ocean patrol vessel is needed for the efficient enforcement of the regulations affecting both commercial and sport fishing in these areas; and

Whereas, There is not now available an appropriate patrol vessel for this purpose in this area; now, therefore, be it

Resolved, That the California Department of Fish and Game investigate the needs and the type of vessel, and report the results of its study to the Assembly Interim Committee on Fish and Game in time for that committee to include the findings in its report to the 1957 Legislature if deemed advisable; and be it further

Resolved, That copies of this resolution be submitted to Chairman Frank P. Belotti and the members of the Assembly Interim Committee on Fish and Game, and to the Department of Fish and Game.

RESOLUTION No. 5

ADVISORY COMMITTEE TO THE ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME
RE: SARDINES (A.B. 62, as Amended; A.B. 3823 and A.B. 803)

Whereas, The 1953 California State Legislators set up an Assembly Interim Committee on Fish and Game, chaired by the Honorable Glenn H. Coolidge, to hold public hearings and consult with all peoples having an interest in the California Fisheries, and

Whereas, Public hearings were conducted on the subject matter and everyone desiring to be heard had their say, and

Whereas, As a result of these hearings and meetings between the most interested groups an agreement was reached as follows:

January 11, 1955

HONORABLE GLENN H. COOLIDGE
Chairman, Assembly Interim Committee on Fish and Game
State Capitol, Sacramento 14, California

DEAR MR COOLIDGE: We, the undersigned members of the committee that you appointed to develop a fishery legislative program wish to report on the results of our meetings of January 4 and 11, 1955.

Agreement has been reached on the points outlined below and the undersigned request introduction of legislation to effectuate the program. None of the undersigned will request introduction of any other legislation on the subjects listed. All will support the outlined program in its entirety and will oppose any bills contrary to this program.

It is understood that the legislation requested herewith will extend for a two-year period which means that it will be subject to review by the 1957 Legislature.

Inasmuch as you, acting as chairman of the Assembly Interim Fish and Game Committee, were instrumental in calling this group together we feel it only fitting that you introduce the bill that will result from your endeavors and farsightedness.

The agreements are as follows:

1. *Yellowtail.* A statutory bag limit of 3,000 tons a year for commercial canning, the first year to run from July 1, 1955, to June 30, 1956, and the second year from July 1, 1956, to June 30, 1957.

2. *Anchovy* Statutory bag limits for the following periods and in the following amounts to be applied for all types of canning: September 1, 1955, to March 31, 1956, 21,000 tons; April 1, 1956, to March 31, 1957, 35,000 tons.

No anchovies less than five inches in total length measured from tip of snout to tip of tail may be purchased for any purpose except for use as bait, with a tolerance of 25 percent undersized fish by weight for any individual load.

3 *Marine Research Committee.* Accord was reached on extension of the Marine Research Committee with the same tax rate on the same species as at present. The group is also in accord on releasing the 2½ percent of the funds which are unavailable for expenditure

It is agreed that the membership of the committee would be composed of the following: five members from the sardine canning and reduction industry specified, the other four to include one from the organized sportsmen and one from organized labor Three of these positions are in lieu of those presently specified as being from the Fish and Game Commission and Department. All members would be appointed by the Governor.

4. *Sardines.* Continue the present prohibition on packing sardines during the summer season (Section 1065). We agree no further changes should be made.

5. *Mackerel.* No mackerel legislation is proposed.

6. *Purse Seines.* No new restrictions on purse seining to be introduced or supported.

All concerned owe you and your committee a debt of gratitude for making possible a meeting of the minds on this important matter. We feel that for the first time we can all come to the Legislature with a unified program that will serve the best interests of the people of California. We sincerely hope that this will establish a

foundation for further constructive meetings between the various groups concerned with the fisheries.

Respectfully submitted,

John Hawk, A. F. L. Fishermen and Fish Cannery Workers; George Christo, San Francisco Sardine Association; William Smith, Southern California Bait Haulers Association; Anthony Sokolich, I. L. W. U. Fishermen's Union, Local 33; George D. Difani, California Wildlife Federation; Charles R. Carry, alternate for Montgomery Phister, California Fish Canners Association, Inc.; Robert Ketchum, California Wildlife Federation, Southern Council of Conservation Clubs; Raymond Cannon, alternate for Manning Moore, Ocean Fish Protective Association; John J. Real, Fishermen's Cooperative Association of San Pedro; J. H. Doran, alternate for D. T. Saxby, California Packing Corporation; Richard S. Croker, California Department of Fish and Game; William Nott, alternate for William Huber, Southern California Sportfishing Association.

and

Whereas, The agreement above reached was enacted into law through A. B. 1666 upon recommendation of the signers of the above agreement; and

Whereas, A. B. 62 as amended and A. B. 3823, introduced at the 1955 Legislative Session, were referred to another Assembly Interim Committee on Fish and Game, chaired by the Honorable Frank P. Belotti, for public hearings, and

Whereas, Chairman Frank Belotti held a public hearing on A. B. 62 as amended and A. B. 3823 at Hotel Hacienda, San Pedro, on January 25 and 26, 1956; and

Whereas, The verbatim record will show that not one member of this advisory committee testified in favor of these two Assembly bills but, one the other hand, testified in opposition to A. B. 62 as amended and A. B. 3823; and

Whereas, Honorable Senator Ed. C. Johnson, Chairman, Senate Interim Committee on Fish and Game also held hearings on A. B. 62 as amended and A. B. 3823 at the Hotel Hacienda, San Pedro, February 16, 1956; and

Whereas, The verbatim record will show that not one member of this advisory committee to Assembly Interim Committee on Fish and Game or the general public testified in favor of A. B. 62 as amended and A. B. 3823 but on the other hand those members of this advisory committee that gave testimony testified in opposition to A. B. 62 as amended and A. B. 3823; and

Whereas, Our good Chairman of the Assembly Interim Committee, the Honorable Frank P. Belotti, is charged with the responsibility of coming up with the answers to the Legislature as to what the public wants to do about A. B. 62 as amended, A. B. 3823, and A. B. 803, and

Whereas, This advisory committee representing all factions of the California Fisheries should get down to business and help the chairman and all members of the Assembly Interim Committee on Fish and Game to resolve what's to be done about A. B. 62 as amended, A. B. 3823 and A. B. 803; now, therefore, be it

Resolved, That this advisory committee recommend to the Assembly Interim Committee on Fish and Game that it report unfavorably on A. B. 62 as amended, A. B. 3823 and A. B. 803; and be it further

Resolved, That the present laws regulating sardines with respect to the summer pack continue in effect for an additional two years; and be it further

Resolved, That the Senate Interim Committee on Fish and Game be advised of our action and be sent a copy of this resolution; and be it finally

Resolved, That copies of this resolution be submitted to Chairman Frank P. Belotti and the members of the Assembly Interim Fish and Game Committee.

RESOLUTION No. 6

ADVISORY COMMITTEE TO THE ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME

WHEREAS, Section 748 and Section 717.1 of the Fish and Game Code expire on March 31, 1957, and July 1, 1957, respectively; and

WHEREAS, The bag limits placed on anchovies and yellowtail by these sections were the result of a compromise and not based on proven scientific findings; and

WHEREAS, The Department of Fish and Game has expressed an ardent desire to experiment with the regulation of a fishery by means of controlled catch; and

WHEREAS, Such theory is contrary to the reasoning and the considered opinion of the commercial fishing industry which industry has consistently opposed such practice and procedure; and

WHEREAS, the commercial fishing industry, in a sincere effort to be cooperative, voluntarily withdraws its opposition in order to permit such fish and game experiment; now, therefore, be it

Resolved, That this advisory committee recommends the continuance of the provisions of Section 748 and Section 717.1 until March 31, 1959, and July 1, 1959, respectively; and be it further

Resolved, That copies of this resolution be submitted to Chairman Frank P. Belotti and the Members of the Assembly Interim Fish and Game Committee.

Recommendations were not made on the other subjects enumerated above as having been on the agenda of the advisory committee, since no actions receiving unanimous support of the members of the committee were reached relative to those items.

APPENDIX

CARL ANDERSON, *Association of Northern California Loggers and Klamath River Timber Industries*

My name is Carl Anderson, I reside in Eureka, California and am representing the Association of Northern California Loggers and the Klamath River Timber Industries.

I would like first to thank the committee for holding this meeting here in Northern California and showing the interest they do in problems between sportsmen and loggers.

In opening this discussion we would like to summarize the happenings of the past year. In the summer of 1954, the loggers using the Klamath River began to realize that the sportsmen had quite a program in the hopper to force curtailing of log rafting on the Klamath River during the main season for both logging and fishing. Log rafting and towing had built up to present proportions over a period of time without the loggers noting that their activities could be classed in any way as interfering with sport fishing.

When this condition came up, the loggers were more than a little willing to cooperate in any way possible. They attended meetings and mapped out a program of just what was economically possible to comply with the sportsmen's wishes and to bring about the harmonious multiple use of the Klamath River for both fishing and logging.

Also, as a result of a meeting of the State Chamber of Commerce in Ukiah, the chamber appointed a committee to study the problem and a meeting was scheduled for Arcata, California, on December 15th. Representatives of the State Chamber of Commerce, the Association of Northern California Loggers, loggers from the Klamath River area, sportsmen's representatives and, as observers and to advise on technicalities, representatives of the Department of Fish and Game, the U. S. Army Engineers, and the State Lands Commission were present.

As a result of this discussion in Arcata and investigations of the conditions on the river, the California State Chamber of Commerce has compiled a report and we believe they will elaborate on their findings during this hearing.

To follow through on happenings a meeting of the Association of Northern California Loggers, jointly with the North Coast Conservation Council, which is affiliated with the California Wildlife Federation, was held in February, 1955. At this meeting, a detailed plan was mapped out as to just what was acceptable to both sportsmen and loggers. The plan was approved by both groups and it was agreed that if the loggers supported these agreements the sportsmen would drop their objections to the logging activities and no longer insist on the complete closing of the river for a period, as first demanded.

The plan consisted of the logging operations on the river doing everything possible to keep as much bark out of the river as they could by the installations of bark traps at the log dumps and reloads, the

operation of tugs in such a manner as to interfere as little as possible with the sport fishermen, to provide a pickup of all logs by a regular patrol of the river (which patrol is being made with an ex-Army amphibian craft) and to institute a program of self-policing on the river operations to insure that everyone on the river complied with the agreements.

In addition to complete compliance with the agreements, the Klamath River Industries Association voluntarily purchased a patrol boat and hired an operator to make daily trips of inspection up the river, and to insure that all logs are picked up immediately upon escape from rafts during towing operations. The patrolman keeps an accurate daily log of conditions found along the river on these inspection trips.

As a representative of the Association of Northern California Loggers and also representing the Klamath River Industries Association, and having observed the operations on the river and taken an active part in the endeavors to settle this dispute, we personally are convinced that everything has been done, that can economically be done by the loggers. We are also convinced that this dispute, as far as logging operations along the river, has been settled to practically everyone's satisfaction. We believe that the industry has done everything possible to appease the sportsmen and still maintain this vital industry.

As to the importance of this industry, in 1954 contracts were let to bring 70 million board feet of logs down the Klamath River. Roughly 75 percent of these must be brought down during the period covered by the period that shutdown was first requested. Since the logs which are being brought down the river are running 40 percent peelers, then 40 percent of the output is manufactured into plywood. Plywood valuation is based on a square foot of one-quarter-inch plywood. Thus 28 million board feet of logs should produce approximately 70 million square feet of the finished product. Average market value being $90 per thousand, the value of this portion of the production would amount to $6,300,000. Add to this the balance of the lumber produced at an average valuation of $70 per thousand board feet, or $2,940,000, making a total valuation of the finished products for 1954 reach the astronomical figure of $11,760,000. Now, to take a frequently used figure, in theory, $1 produced in an area will be spent 12 times before leaving the area. To multiply the value of the finished products by 12 to arrive at the true value to the area, and we come up with the staggering sum of $141,120,000 value to the Humboldt, Del Norte area in 1954.

This figure represents the harvest of a renewable crop that will begin again in upwards of 60 years in the future and trees will again be completing the cycle into lumber. Most of the timber being brought down the river is over-mature now and if not harvested will soon deteriorate and not be usable. This log rafting and log towing is a vital part of a vital industry and everything possible should be done to aid its continuance.

As we have stated many times, almost all of us in this area are sportsmen. Personally I am an ardent fisherman, in fact, almost universally loggers and lumber workers are sportsmen and we are no little concerned about the prospects for the future of fishing in our area.

It is our understanding that there were only 400,000 fishing licenses sold in 1939, in the year of 1954 there were 1,750,000 sold. We can't help wondering just how much has been done to equalize the number of fish in the river and the great demand that has been placed on the fish population in the last 15 years in northern California in the way of fish hatcheries, fish rescue work, etc.

Our neighboring states of Oregon and Washington have the same problem we have, namely fishermen and loggers. From all reports there is more logging and rafting on the streams and rivers in those two states than in our own. Still more fish are entering their coastal streams at present than there were 10 years ago.

BRADLEY PAGE, Del Norte Chamber of Commerce

Mr. Chairman and members of the committee, I am Bradley Page, Secretary-Manager of the Del Norte County Chamber of Commerce.

We respectfully urge the continued multiple use of the navigable portion of the Klamath River for the following reasons:

America has become the world's industrial leader through just such initiative and enterprise as is being shown by the logging interests on the lower Klamath River. They have met a marketing problem with typical American ingenuity, by using the river highway, which is classified as a navigable stream, as the most feasible method of marketing their product.

When certain of their procedures, that were allegedly interfering with the safety and well-being of others, were called to their attention, again, in typical American fashion, they created an organization to control these alleged inequities, going far beyond any request or recommendation that was made, in the policing of their own activities to insure legal, ethical and courteous practices by all logging operators on the river.

We believe that any practices by the logging interests, which may have created a condition inimical to the interests of true sportsmen fishing on the river, have been corrected and that there is no logical or valid reason for complaint of the present method of marketing logs by way of the river highway. It is our further belief that no charge or complaint *is* being made by true sportsmen, but rather that there is really only a personal resentment of the presence of loggers by a few selfish interests who have accepted the previous exclusive solitude of the river as their own, *alone*, and refuse to recognize the justification for any other encroachment by civilization and industry, which is only one of the normal steps forward in the progress of this country. Much as those, with the same selfish view, might oppose the opening of an already dedicated street in a city which would better serve the business community.

We believe that the *true* sportsmen are being used to lend their very effective influence in support of a proposition in a controversy which they are not being permitted to thoroughly understand. Few, if any, of the published articles in the newspapers have reviewed the cold facts; but, rather, have been designed to play upon the emotions of the reader with little reference to logical truths.

Claims have been made that log-rafting has been detrimental to fish life, but we have not been advised that this claim is supported by facts,

supplied by an authoritative source such as the biologists of the Department of Fish and Game. We, therefore, believe that no depletion from this cause has occurred. Indeed, 1954 was admitted to have been one of the most productive in recent years, for both salmon and steelhead sports fishing.

It has been claimed that the surge, caused by log-rafts and tugs in passing wading fishermen, was a menace to human life. It was my privilege to fish the Klamath River last fall, and the only danger I encountered from this source was the waves, caused by small recreational craft, whose operators refused to slow down sufficiently to reduce the swell when passing.

The logging interests, operating on the lower Klamath River, are extremely anxious to abide by all regulations and legal restrictions governing their operations, not only with respect to their dumping and reload facilities, but also to their conduct on this navigable stream with their vessels. In this connection, I respectfully direct the attention of this committee to the fact that the word "vessel" has been held applicable to a *log-raft,* as in the case of the Libby Main, United States District Court in Washington, reported in Volume 3, Federal Reports, page 79, at page 80.

With reference to the impact upon the economy of Del Norte County by any cessation of logging and rafting operations on the Klamath River, we submit the following facts:

In 1954, 60 million board feet of logs were marketed by way of the Klamath River. Approximately 95 percent of these were fir, and the remaining 5 percent, redwood, representing a gross log value at the plant of $60 per thousand board feet, or $3,600,000.

It is estimated that in 1955, 373 million board feet of lumber will be manufactured in Del Norte County. It is also estimated that between 80 and 100 million board feet of logs, which will be used in the manufacture of this lumber, will have been brought down the Klamath River. This is between 25 percent and 30 percent of the total manufactured output of Del Norte County.

In terms of annual dollar value, the lumber produced in Del Norte County represents the following:

Redwood, $8,330,000; fir plywood or veneer, $17,540,000; fir lumber, $7,650,000; spruce lumber, $605,000—a total of $34,125,000—25 percent of which amounts to $8,531,250, most of which would be lost to the economy of Del Norte County. According to figures provided by the California State Department of Employment, there are approximately 2,900 persons employed in Del Norte County in the logging and lumbering industry, with a pay roll of $13,000,000, a large portion of which would also be lost to Del Norte County if log-rafting were to be suspended on the Klamath River. Such an attack would be fatal to our economy.

Seventy percent of the area of our county is in federal or state-owned tax free lands, which means that only 30 percent of the county bears the tax burden. The 70 percent of our county which is in public lands is available to and enjoyed by thousands of members of sportsmen's organizations, without charge or objection. They are welcome, regardless of their residence, to share with us the recreational advantages provided by these lands. Do they wish to use these lands without re-

striction for their own pleasurable pursuits, and restrict the use of these lands to thousands of other citizens whose very livelihood depends upon their use? We do not think so!

The Del Norte County Chamber of Commerce respectfully urges that the logging interests and the true sportsmen be permitted to continue to use the Klamath River, jointly, as they have been doing in the past, until such time as authoritative facts, by responsible agencies, are presented to this committee, which indicate, beyond reasonable doubt, that such procedure is detrimental to fish life, or to other of the natural resources of Del Norte County.

BRIEF OF THE KLAMATH CHAMBER OF COMMERCE ON KLAMATH RIVER PROBLEMS

The Klamath River has its primary source in Lake Ewauna in Klamath County, Oregon. It traverses approximately 276 miles of rugged, mountainous terrain to its confluence with the Pacific Ocean about three-quarters mile west of the town of Klamath. Approximately 250 river miles lie within the State of California. It is the most picturesque stream in our State. From headwaters to ocean level, it drops about 4,400 feet, which gives it an almost endless series of riffles and deep pools particularly conducive to sports fishing and the natural propagation of fish.

Along its shores and adjacent country is located one of the largest stands of virgin timber existing in California today. Industry contends that there is a potential 350 to 400 million board feet of logs to be rafted down the Klamath River. It is estimated that at the present harvest of 60 million feet per annum, this operation will extend over a period of six to seven years; that the logging operations are being carried on for the most part by small operators who are not in a position financially to construct a road to replace the Klamath River as a source of transportation; that the topography of the country is such as to almost preclude the construction of any safe or economically feasible inland route.

To meet the growing and expanding economy of our part of California, it is imperative that this timber be delivered to wood products manufacturing plants in Del Norte and Humboldt Counties at a price that will permit our industries to compete in highly competitive markets. Business has already been forced into extensive retrenchment to meet changes necessitated by a national switch from a seller's market to a consumer's market.

In order to maintain navigation on the Klamath River, it will, from year to year, be necessary to channel or dredge certain riffles. This will serve commerce and will certainly make the river safer for small sports craft. This dredging or channeling should be done in the early summer, and, in no case, later than June 30th of each year.

It is the consensus of this committee that the loggers presently engaged in rafting logs down the Klamath River have gone far afield in their efforts to keep the river free of debris and floating logs. We have spent many hours on the river within the last 60 days, and have observed some minor infringements, which are being rectified; but, the improvement over the years 1953-54 is commendable.

We have interviewed 75 men and women who have fished the Klamath River annually for periods of 5 to 15 years and found only one man irrevocably opposed to any multiple use of the stream. Approximately 50 percent of those interviewed felt that the tug boats should slow down along these riffles where there is a heavy concentration of sportsmen and small boats; and, this seemed to center on only two tug boats. Two boat docks made this same suggestion; and, strangely enough, identified the same two tugs. This has been reported to the Klamath River Police Unit of the Klamath Timber Industries, Inc.; and, we have their assurance that it will be corrected.

About 80 percentum of those interviewed were of the opinion that the small boat traffic and drift fishing from boats in riffles where fishermen concentrate caused more interruptions than the log rafts.

We do not concur in the opinion of one sportsman recently reported in the San Francisco Examiner that much damage was being done to fish life by log rafts. In the area that he complained of, there has been no concentration of fish so far this year; and, we find no evidence of damage to fish life at this time.

It is the opinion of this committee, based on years of observation, that very few, if any, steelhead or salmon actually spawn in the reaches of the Klamath River now under multiple use.

The steelhead and salmon runs in the Klamath River are very heavy during the months of July, August and September of each year. This early migration is, no doubt, due to the fact that they have many river miles to navigate in order to reach suitable spawning areas. These spawning, or nesting, beds are invariably found in the upper reaches of the river or small streams that flow into it. The now assured diversion of the waters of the Trinity River will destroy 50 per centum of these nests in the Trinity River.

It is the firm belief of this committee that hatcheries are not, and will not, effectively take the place of natural spawning areas; that more fish rescue work is necessary in the Klamath area; and, that the system of operating the hatcheries in this area should be thoroughly studied and possibly revamped.

Conclusions

This committee, Mr. Chairman, is composed entirely of lay members, who seek not to criticize, but to suggest. Our opinions are based on many years of fishing and observing the habits and migration of fish, and, more recently, commerce on the Klamath River.

We have interviewed heads of industry and many sportsmen to bring to this committee a cross section of their reactions as to the problems on the Klamath River.

It is our unanimous opinion that log rafting on the Klamath River does not, at the present time, constitute a problem to multiple use. To over-anxious sportsmen, it is, at the outside, only a nuisance; and, that it does not exceed the annoyance created by drift fishing and passing of small sports craft. We, further, find that under present economic conditions the use of the river for transportation of logs to our sawmills and plywood plants is necessary, if we are to maintain a high level of employment for our people.

We strongly urge the issuance of permits for channeling or dredging of certain riffles, under the direction and supervision of the U. S Army Engineers, sufficient to permit navigation by small sports craft, as well as log rafts and tug boats. This work should be kept at a minimum and should be completed before July 1st of each year.

The diversion of the waters of the Trinity River, and the resultant destruction of spawning beds, is a serious loss to this area; and, we contend that a hatchery should be constructed to compensate for this destruction of spawning beds, and that the construction and maintenance should be a part of the cost of the project. We realize that the members of this committee are in no wise responsible for this action by the Federal Government and certain officials of our State. We are far in the field of converting atomic energy to peaceful commercial use. All or nearly all of the major agricultural crops are being produced far in excess of our present economic needs; and, subsidy continues to pile upon the backs of an already overtaxed people. In view of this, we do not feel that the present or future need of the Trinity Diversion project can be justified. We have failed to find any place in our Country where fish as a food, or fishing as a recreation, is being over-produced. We suggest that all small streams tributary to the Klamath, including the Trinity River, be closed to fishing and designated as spawning areas, and that more extensive salvage work be carried on in streams that dry up in late spring or early summer.

The water system at the Prairie Creek Hatchery should include a pumping system for use when natural sources are at flood stage or too muddy. The success of any hatchery can be measured by what it brings into an area, not by taking spawning fish from one stream that is already short of fish life and stripping them for hatchery employment, to later be planted in other streams in the same area.

Mr. Chairman, this committee of the Klamath Chamber of Commerce is composed of sportsmen and loggers; and, we have worked untiringly to bring you an unprejudiced opinion of the problems as they exist today on the Klamath River.

Respectfully submitted,

ELMER MYERS, Chairman

DR. EVERETT WATKINS, North Coast Conservation Council.

In the year 1924, the people of California, by a special measure set aside the Klamath River as a recreational area. The Klamath River is one of the world's most famous fishing streams, attracting thousands of sportsmen from all the states and many foreign countries. The tremendous population increases in California will make the present large recreational use of the Klamath seem small indeed when compared to the increasingly greater role it should be expected to play in providing a salmon and steelhead fishery for the recreation-hungry remainder of the State. You legislators will well remember the large amount of interest in the bill to open water reservoirs to public fishing, indicating a crying need for more fishing areas to take care of increasing population. The Eureka Chamber of Commerce gets an average of 75 to 125 calls each day during the salmon and steelhead season, requesting information on where to fish. A great many of these calls are from residents of the Los Angeles area. The Klamath Chamber of Commerce,

in a booklet claims approximately 3,000 fishermen are on the river each day during the height of the salmon and steelhead fishing season. In a 90-day season this would be an estimated 270,000 anglers using the stream.

It seems grossly unfair that a small group of individuals should be allowed the right to do anything which would destroy the recreational use of this river and fishery without giving the sportsmen any consideration or protection. The rivers and the fish in them are public property, owned by all, and one natural resource should not be harvested at the expense of another.

It might well be impossible to maintain the salmon and steelhead fishery of the Klamath River if it were only necessary to combat the increased angling pressure, both on the stream and from the ocean sportsfishing which is increasing rapidly. When this salmon and steelhead run is put under still greater threat of extinction by the destruction of those natural fish hatcheries, the small feeder streams (which are far more efficient and much less expensive to operate than any other hatchery we have) by logging operations, which are allowed under present law to choke and make these feeder streams impassible and unfit for use by the spawning salmon (the State Department of Fish and Game in an incomplete survey estimates that 524.25 miles of salmon and steelhead spawning streams have been affected by logging operations in Humboldt County alone), when this fishery is threatened by the proposed diversion of the main tributary of the Klamath, namely the Trinity with the majority of its salmon and steelhead spawning beds located up stream from the proposed dam site at Lewiston (Fish and Game Department figures show the estimated salmon run of the Trinity to be about 40,000 fish and more than 90 percent of these fish were observed above the proposed Lewiston damsite), when the California-Oregon Power Company causes the flow of water over its dam to fluctuate in volume and the resultant daily rise and fall of the water traps and kills millions of fingerling salmon and steelhead each year, when the continual altering of the spawning riffles on the lower reaches of the Klamath is caused by the dragging of rafts through riffles containing inadequate water, the continual use of Caterpillar tractors to alter these shallow riffles by construction of illegal wing dams to deepen them, it will indeed be the miracle of all miracles if the Klamath River salman and steelhead runs can survive this ever-increasing pressure. The fishery is certainly doomed if we do nothing to protect it. Too many examples of this type of apathy serve as a grim warning that the time is already late—think of what happened to the bison, the pigeon, the prairie chicken, and the Pacific sardine, to mention only a few.

Although this hearing should be confined to the log rafting problems affecting the recreational use of the Klamath River by sportsmen, it is much too large, complex, and far-reaching to be solved by a short investigation and hearing. It affects in addition to the thousands of sportsmen, the commercial fishermen, motel owners, restaurant owners, and all other segments of the population of the North Coast area making their living from catering to the needs of those using the recreational facilities of these North Coast counties. According to Humboldt County board of supervisors' figures, there are 220 registered fishing boats on Humboldt Bay paying taxes in Eureka—another 180 operate during the

salmon fishing season. In 1949 and 1950 one of the largest harvests of salmon on the coast was brought into Humboldt Bay. This is a vital industry on which more than 1,000 men and women depend for their livelihood. In Humboldt County the tourist industry is of major importance. Tourists and vacationists from every state and many foreign countries come to Humboldt, Del Norte, and Trinity Counties each year to fish in streams and hunt in their forests It is estimated by the Humboldt County board of supervisors that the income in these three counties derived from tourists and recreationists is close to $50,000,000 annually. Certainly the Klamath provides its share of the recreation for which this large amount of money is spent. No one would deny the economic importance of lumbering to Humboldt and Del Norte Counties, but the economic value of the Klamath River fishery presents a figure that is most impressive, especially if one considers the fact that once the timber of this watershed is cut, it will be 80 years at the very least before another crop of timber will again become available. In contrast, the salmon and steelhead fishery, if protected, will continue to produce a substantial income each year which will tend to increase in amount rather than stay the same or decrease. To present some specific figures regarding this economy, the Klamath Chamber of Commerce estimates that 3,000 fishermen are on the river each day during the 90-day peak fishing period, giving an estimated 270,000 fishermen each year. By using Fish and Game Department estimates that each fisherman spends roughly $20 per day in the pursuit of his recreation, and in order to be conservative, assume there are only 2,500 fishermen on the river each day, the money spent in Klamath or its immediate environment, as a result of sportsfishing, would amount to between $4,500,000 and $5,400,000 per year. If these figures are projected for the 80 years it will take to grow another crop of second growth timber, the economy provided by the salmon and steelhead fishery to the Klamath area is very large and extremely important to Humboldt and Del Norte Counties. The increasing population and its resultant increase in angling pressure will cause this figure to gradually increase. On the other hand when the timber has been removed from this area and sold, the land is taken from the tax rolls for some 40 years, and it will be another 40 years before any economy can again be derived from the lumbering operation.

At the time these log rafting operations began to gain in volume, there were no provisions for disposal of bark deposited at the log dumps, one operator at least had used a tractor and eliminated his bark by pushing it into the river. The amount of bark floating made fishing impossible, and navigation extremely dangerous, liberal use of logs and tractors to create wing dams made fishing most unproductive, tug boats were operated in such a manner by many operators that a dangerous situation was created for wading fishermen.

As a result of many and numerous complaints from Southern California fishermen, the Associated Sportsmen of California through their president, George Difani, approached the log rafters operating on the Klamath River to see if some solution to the many problems resulting from these rafting operations could not be solved * * *. From (the) lack of any willingness to cooperate in bringing the rafting operation to a standard which would allow both fishing and rafting to be carried out

harmoniously, the California Wildlife Federation, again under the leadership of George Difani, but as a result of more complaints primarily from heaviest recreational users of the river, the Southern California sportsmen, had Senator Way introduce legislation which would have suspended all log rafting for a three-month period from July 15th to October 15th during the heavy fishing peak. Meetings with the Corps of Engineers, State Water Pollution Control Board, and the State Chamber of Commerce plus later meetings with the re-activated North Coast Conservation Council brought many loud pleas from the Klamath River timber industries for a chance to be given a one-year period in which they agreed to voluntarily police themselves, operate strictly in accordance with rules set up by the Corps of Engineers, the Water Pollution Control Board, and themselves, and do everything possible to make their operation completely compatible with the fishermen's right to use the river. These agreements were written and signed by members of the Klamath River Timber Industry and this included all the companies log rafting on the Klamath River.

E. LARRY MYERS, Klamath

I wish to express my personal thanks to each member of the committee for the privilege of working with you during your investigations of the Klamath River problems For the record, and so that the members of this committee will understand my position, I would like to state that over a period of a great many years I have been active in a majority of the Klamath River problems. I am currently a member of the Special Study Committee of the California State Chamber of Commerce on the Klamath River Logging Operations; I am a member of the State-wide Natural Resources Committee and also a member of the State-wide Committee on Fish and Game of the California State Chamber of Commerce, naturally I am also active in and a member of these same committees in the North Coast Council of the State Chamber of Commerce; I have served as a director of the Associated Sportsmen of California; I am, and have been since its inception, a member of and Chairman of the Legislative Committee of the North Coast Conservation Council which is affiliated with the California Wildlife Federation; I am a member of the Klamath Chamber of Commerce and served that organization for many years in various capacities and also as chairman of its legislative committee; I have also served many other organizations in various capacities, over the years, on fish and game and natural resources problems. I feel that I am qualified to discuss the current problems before this legislative committee.

As a motel operator, serving the general public needing accommodations, I meet and have as my guests many loggers, logging operators and sportsmen. I hear both sides of this controversy discussed daily. As a businessman and property owner I am, and must be, concerned with the long-range economy of this area. Our two major industries are timber, sports-fishing and recreation—both are of vital importance for the continued growth and prosperity of North Coast Region.

As with all major economic problems confronting the people of this State there is much confused thinking. This is not surprising, there has been almost constant debate and argument between representatives

of the forest industries, sportsmen and businessmen concerning the basic facts underlying this entire problem and the necessary steps which should be taken to meet and solve these problems. All groups agree that there is a serious problem, vital to the future prosperity of this area, to be solved. Without question the timber industry provides steady employment for thousands of our people and the pay rolls of these industries help support our communities, but it is equally true that the fishery supports a large commercial fishery industry and in addition attracts, annually, many thousands of sports-fishermen and vacationists who spend an almost unbelievable sum of money in the local communities and this has brought about the building of many establishments which would not exist were it not for this added business; these places of business provide employment for and are the sole source of livelihood for a large number of our people and they pay considerable of our local taxes which is important to our local and county government. No one can question this or even in good faith discount the importance of it. There is not a single business or profession that does not, either directly or indirectly, benefit from sports-fishery and vacation trade.

During the past decade there has been an almost continuous seller's market in logs, lumber and lumber products, topped off by the postwar housing boom. During this period of rising prices, the number of active sawmills and logging operations has more than trebled. The demand for logs, coupled with the reduction of available stumpage, naturally resulted in substantial increases in the price of logs and stumpage. Many of these operators are small or "Gypo" loggers who buy or contract for small tracts of timber or stumpage having no interest in the land and or the preservation of the other natural resources such as fish and game and the recreational values and interested primarily in making a fast dollar—their method of operation is generally conceded to constitute "bad logging practices." However, there are both good and bad loggers and not all of the bad logging practices are confined to the small operators.

The California Department of Fish and Game has just recently reported to the Governor's Council that "bad logging practices" have ruined or impaired some 925 miles of fish producing streams in the North Coast Region. The economy of the state and this area cannot stand further impairment and or destruction of the valuable fishery and recreational areas.

Between Klamath and Weitchpec, a distance of only about 40 miles, there have been or is logging operations on at least 24 tributary streams to the Klamath River. These tributary streams constitute prime spawning areas for our salmon and steelhead. In the Ah Pah Watershed alone and taking into consideration only 10 miles spawning streams as having been taken out of fish production from "bad logging practices" and further taking into consideration that if this 10 miles of streams would support only 100 pair of spawning salmon, each laying an average of only 5,000 eggs and with a natural hatch of only 80 percent this 10 miles of spawning streams would produce 40,000 fingerlings to migrate to the ocean. With a return of only 4 percent as adult salmon weighing 12 pounds average we would have 19,200 pounds of salmon

to support the sports-fishery and for natural propagation. Taking a figure of $16.25 per pound for sports caught fish this 19,200 pounds of salmon would have a potential value of $212,000 per year. Responsible foresters claim that it takes 80 years to grow a crop of marketable second growth timber. Therefore to obtain a fair value of the fishery resource to the economy of the State the annual fishery value should be projected over this same 80-year period. These figures do not take into consideration the value of the commercial salmon catch or the ocean sports-fishery.

The "bad logging practices" have caused a great number of the people throughout the State to become concerned over the destruction of these natural resources.

In 1924 an aroused public adopted Initiative No. 11 by an overwhelming vote which set up the Klamath River Fish and Game District and it was the intent of the people to protect this great recreational area. A great many people are now asking if an *Initiative Action* will again become necessary to obtain adequate protection for our fish and game and recreational areas?

A great deal of the discussion has centered around what laws are needed for adequate protection of the fish and game and recreational values and the consensus of opinion seems to be that laws are needed that will: (1) set up a screening strip along the banks of the main rivers and spawning tributary streams to afford stream bed protection from excessive erosion and debris; (2) prohibition of the use of the streambeds for roadways or the operation of heavy equipment; and (3) proper drainage of all skidroads and logging roads as a further protection to the streams and rivers against excessive erosion and siltation.

It is my personal opinion that something must be done immediately for the protection of our overall economy and it is my fervent hope that this legislative committee will be able to solve this difficult problem and that adequate measures will be adopted at the next session of the Legislature that will be for the public good.

WRITTEN STATEMENT OF MR. ALDRICH, Division of Beaches and Parks

The Division of Beaches and Parks enjoys working closely with other resource agencies in State Government and, therefore, I am happy to be here today to represent the chief of our division, Newton B. Drury. At this stage of your hearing I am wondering just how the activities of this division may fit into the subject of your discussion of upland game. Actually, in the State Park System, we have relatively few wildlife problems in the category of upland game. Perhaps the uppermost problem in my mind at this time is where I and my dog might find a place to go hunting for getting our fair share of pheasants and quail this season. My feelings on this score are shared by many of the 455 permanent employees of the Division of Beaches and Parks. There are many of our employees of the division who are some of the most ardent fishing and hunting enthusiasts in the State. In my work with the division I have occasion to contact frequently a great percentage of our staff on wildlife problems and find that, generally, they are very favorable toward the entire fish and game program. Just to

name a few phases of the program which I have heard favorably mentioned recently:

(1) Public access to coastal and inland fishing areas.
(2) Expansion of cooperative hunting areas to ensure an excellent relation between the landowner and the sportsmen. In this program we realize that never will governmental agencies be able to acquire enough land to satisfy the hunting and fishing needs.
(3) The need for more state-owned game management areas. Our field men have heard the suggestion that camping facilities of the most minimum type to accommodate the men while they are hunting should be added on state-owned areas.
(4) Stepped up development of habitat on all lands dedicated or available to game harvesting, and this includes the expansion of the gallinaceous guzzler program.
(5) An expansion with temperance of the "put-and-take" program for the masses, but with full realization that there will always be much spiritual value to the hunters and fishermen in returning at least occasionally with an empty bag or creel.
(6) The hunter-safety program, we feel, is a step in the right direction. Several of our rangers are actually participating in instruction of youth groups in this program, and the need for this work has been very close to us, since among the many park visitors we find people attending, particularly during the hunting season, because they are afraid to go in areas where hunting is allowed.
(7) The effort of the department through the years to expand predator control on an incidence-problem basis rather than on a geographical basis.
(8) Assurance of more access structures for anadromous fishes in connection with water projects and bringing pressure to bear to have fishing and recreation recognized as a legitimate *use* in managing the State's water plan.
(9) Expansion of the water fowl resting areas and a geographical placement of them to provide maximum protection for crops in the State. There are numerous other phases in the progressive program now being carried out by the Department of Fish and Game.

Well, how does this all fit into the state park program? I know that at least for the benefit of some of the members of this committee, it is unnecessary to go into details of the state park program; but for the many sportsmen here and others perhaps I should give a brief background on certain of the policies of our operation and where we are going in the immediate future. This may give some base for unprejudiced discussion to follow. The state park idea in the United States is generally believed to have originated in California as an outgrowth of a movement of civic and private organizations to preserve areas including all wildlife in their natural state for future generations. Yes, the State Park System began in 1865 when Abe Lincoln signed an act of Congress whereby the world-famous Yosemite Valley and the Mariposa Grove of Giant Sequoias were acquired by California as the first state park in the Nation. In 1890 Congress created a national park

surrounding these state lands, and later, in 1905, the State Legislature returned the Yosemite and the Giant Sequoias as an addition to Yosemite National Park.

In the meantime a growing interest was mounting for the preservation of Coast Redwoods in the Santa Cruz Mountains. Through the efforts of the Sempervirens Club and others, the California Legislature provided for the setting aside of an area of virgin redwoods as the California Redwood State Park, now known as Big Basin Redwoods.

To save the coast redwood forest in the region where they reach their supreme development, the Save-the-Redwoods League was formed in 1918. This organization has raised several million dollars to match state funds for the purchase of redwood parks in Humboldt and Del Norte Counties. Through this matching principle, public interest in parks has been quickened, not only in California but throughout the Nation. People from all over the United States have contributed millions of dollars toward the preservation of these parks.

A movement for a comprehensive state-wide system of parks was sponsored by the California State Parks Council, representing many California organizations with leadership by the Save-the-Redwoods League. Their campaign resulted in the establishment of a State Park Commission and provision for a survey of park needs. On May 25, 1927, the Governor signed the three bills which created the State Park Commission, provided for the state park survey and authorized a bond issue of $6,000,000, to be matched equally with other than state funds for extension of the park system. This bond issue was approved as a constitutional amendment by the voters in 1928. The Division of Beaches and Parks was set up in the Department of Natural Resources.

As you can see, the California State Park System did not just happen as the usual result of the ideas and growth of a department of the State. It came about through the interests of individuals and organized groups who have contributed many millions of dollars—to say nothing of their time—for campaigns to obtain matching funds and lands to equal the expenditures of the State in its park acquisition program. This type of acquisition, which is still going on, has created for the people of California, one of the greatest state park systems with a developed evaluation of 48 million dollars. Without this tremendous boost from private donors we would not have the system; with it, however, we also received a trust to maintain these wonderful examples of California's scenery for park purposes only. During 1954, over 40 million visitor-days were recorded in all the state parks of California—almost as much as all of the national parks in the United States combined!

The State Park System, as of today, consists of 138 units which includes an extensive beach program, acquisition and interpretation of historical areas and the preservation of inland natural and scenic areas and the supplying of outdoor recreational facilities for camping, picnicking, swimming, fishing, boating, riding and hiking, and, last but not least, the plain appreciation of scenery, which is one of the chief recreational occupations for the weekender and vacationers. Probably this phase of outdoor recreation is heard about the least but is participated in as much or more than any other single type of use of outdoor areas.

The people and organizations are many who would have us operate on a substantially larger scale than we are at the present time. Like all organizations, we are endeavoring to do our best to supply the program which is most desirable to our constituents; and there are many organizations and influential individuals who are assisting us in guiding our program. The almost-doubling of our budget in the last two fiscal years does not necessarily represent a mad dash for use of funds merely because they have become available through oil royalties, but rather it represents the picking up of a recognized lag on a necessary program where acquisition, development and operations have wanted until the dispute was settled for the return of state-rights to the oil royalties. Indeed the expenditure in the 1955-56 Fiscal Year was very small compared to the wishes of all concerned, as evidenced by the famous State Park Omnibus Bill which was presented during this recent Legislature at a total of more than 16 million dollars for special state park projects only. Actually this bill was boiled down from approximately 70 million dollars of state park projects.

In the omnibus bill were two projects which, in principle, were a victory and we hope were merely delayed, by the Governor's pocket-veto of the bill. These were the promotion of the roadside rests program—long overdue for California—which was spearheaded primarily by Chairman Davis; and the protection of our valuable and internationally famous state parks along the Redwood Highway by proposing a bypass route, thus saving these irreplaceable groves from the destruction of huge grades and fills of a freeway. This action was sponsored by Assemblyman Belotti. These and many others, we are certain, will be brought up again in the coming Legislature.

Although there have been many controversies over the Governor's veto of the State Park Omnibus Bill, this division would like to look upon this action as advantageous to the extent that it has now given us more time than we have previously had to formulate a better five-year program to meet the overwhelming needs for outdoor recreation of the increasing population of this State. In this connection we have a real dilemma—already on our books are over 280 suggested and promoted projects for inclusion in the State Park System. To realize these entirely would mean an expenditure of approximately 100 million dollars. Obviously, many of these cannot immediately find their way into the system and, as is always the case, a system of priorities will step on someone's toes. In this connection, there is still to be resolved many major policy problems with respect to the growth of the State Park System, such as the inclusion of many reservoir sites for recreational purposes. There is, of course, in this connection, always the problem of where should the State's obligations for supplying recreation start, and those of the local counties and districts begin. It is believed by many that even if all of the oil royalty funds were spent that this still would not supply the needed recreation, particularly at the local levels. Many have suggested a state-wide system of regional parks planned from the state level to assist the State in accomplishing an integrated program whereby federal, state and local people combine for all of the recreational needs. Without burdening you too much and with the hope that I can lay down a base for discussion of the park program in relation

to your fish and game program, I would like to make the following conclusions:

(1) The Division of Beaches and Parks is progressing at a rapid rate in an attempt to take care of the recreational needs for the masses.
(2) We believe the recreational program should be integrated with that of the United States Forest Service and national parks, and that local regional, county park progress should be encouraged.
(3) The State Park System is a heritage which is also for future generations and in the growing competitive pressure for wild land use we all should not lose sight of the fact that the State Park System was organized to preserve natural areas in as nearly a native state as possible.
(4) The State Park System is behind the rapid progress being made by the Department of Fish and Game to improve the success of the hunters and fishermen, and we are at present working closely with Fish and Game on a number of projects.
(5) At the present time less than one-half of 1 percent of the 100 million acres of California in state parks is none too little to devote to this concentrated use. Evidence of the value of this type of land use is the statistics of 40 million visitor-days of attendance to the State Park System. During the past 10 years when the State has enjoyed an increase in the population of 35 percent, the State Park System has borne an impact of an increase in visitation of 166 percent.

G. W. PHILPOTT, Sportsmen's Council of Central California

Whereas, Section 1293 of the Fish and Game Code, State of California, states: Any owner or tenant of land or property that is being destroyed or damaged or is in danger of being destroyed by deer, elk, bear or beaver may apply to the commission for a permit to kill such mammals. The commission, upon satisfactory evidence of such damage or destruction, actual or threatened, shall issue a revocable permit for the taking of such mammals under regulations promulgated by the commission. Mammals so taken shall not be sold, or shipped from the premises on which they are taken except under instructions from the commission; and

Whereas, The issuing of depredation permits is in most instances a great loss of meat and a loss of hunting; and

Whereas, There are more and more permits being issued each year and usually the landowner does not permit hunting on the property during the open hunting season; and

Whereas, The hunter, by helping the landowner reduce his crop loss would in most cases establish better hunter-rancher relations resulting in more land being made available for hunting; and

Whereas, By allowing the hunters to take depredation deer, the meat would not be wasted, the deer would scatter and move farther away from the crops, thus reducing loss; and

Whereas, The arranging of special shoots is an expensive and slow process and landowners do not receive the relief at the time it is most needed; therefore, be it

Resolved, That the Sportsmen's Council of Central California requests legislation to amend Section 1293 of the code so that the deer referred to may be taken by the sportsmen.

Resolved, That when a landowner applies for a permit to kill deer doing crop damage, the regional fish and game manager shall investigate, determine the damage and the number of killing permits that should be issued to sportsmen. This information to be published two days prior to issuing the permits in the local newspaper giving the time, place, number of permits to be issued and the land upon which the permits are to be used. The permits to be issued on a first come first served basis, and for a fee. Applicants must have in possession a valid hunting license. The applicant receiving the permit must then obtain permission to hunt upon the land of the owner. Deer so taken will be considered a bonus deer and will not change the hunter's status in applying for his regular deer hunting tags or for any other special deer hunts.

Resolved, That the handling of the shoot and the issuing of the permits be done by the regional fish and game manager concerned.

Resolved, That that portion of Code Section 1293 pertaining to elk, bear or beaver remain as written.

CECIL PHIPPS, President, Fresno County Sportsmen's Club

Mr. Chairman, members of the committee. My name is Cecil Phipps, President of the Fresno County Sportsmen's Club, and our members join me in thanking you and your committee for this opportunity to testify with reference to big game management in California.

For the good and welfare of the wild deer in this State, a program of sound game management should be inaugurated at the earliest possible time. Regulations should be promulgated in their simplest form for public understanding, execution and enforcement. They should be flexible and the ultimate goal must be approached over a period of time to be accepted by the sportsmen. The system should be workable with the minimum amount of personnel and expense.

There appears to be no good reason for the creation of any special big game board or committee. The necessary power should be delegated to the California Fish and Game Commission to enact the necessary regulations.

In presenting the following proposal, the dates given are more for the purpose of explanation than for adoption as they should be worked out very carefully with wild life officials. I might add this is entirely our own proposal and that the Department of Fish and Game was not consulted at any time. Secondly, only the inland deer are referred to so adjustments will be necessary to include the coastal deer.

(1) The buck deer season to be fixed by Fish and Game Commission as now provided by law.

(2) Enumerate, name and locate the various deer herds. Allocate these deer herds to the existing five regional fish and game regions.

(3) Assign unit game managers to herds with responsibility for their welfare. Some regions may require than one unit game manager because of many different herds or difficult terrain. (No intent to create additional biological positions.)

(4) On the Monday or Friday nearest the first of August, unit game manager to submit to regional fish and game manager recommendations for surplus deer harvesting by hunters.

(5) On the sixth day after receipt, recommendations to be submitted to the Fish and Game Department Headquarters Office in Sacramento with regional manager's comments, if any. (It is to be made public that data is on hand at regional office for comment by those interested, this being the first appeal, although those interested may work with the unit game manager.)

(6) On the second (possibly the third) Friday in August, Fish and Game Commission to hold public meeting and adopt regulations for the harvesting of the surplus deer as recommended. (This being the second and final appeal for those interested.)

(7) The number of deer stamps with herd designated to correspond to the allowable harvest made available at regional fish and game office to be distributed for a fee, either by application and drawing or by first come first served, whichever is practical. Stamp to be affixed to hunter's unused "B" deer tag, and tag and stamp to be attached to the antler or the ear of the deer taken in the post buck season.

Time is the essence in sound big game management, that is to say allowing the unit game manager ample time to evaluate the fawn drop as a basis of his cropping recommendations and time of hunting season.

DR. KOLISCH, Pines-to-Palms Chamber of Commerce:

I would like to submit to you the resolution unanimously adopted by the Board of Directors of the Pines-to-Palms Chamber of Commerce in Mountain Center, December 1, 1954.

RESOLUTION

Whereas, The wild life resources of our district have decreased to an unjustifiable low point;

Whereas, It is the policy of the State Department of Fish and Game to steadily increase the number of license-paying hunters, which has led to the need for more and more liberalized shooting of all forms of wild life; and

Whereas, The department has spearheaded drives for destructive winter shoots, special hunts, doe killing and opening of the refuges, and has even sponsored propaganda for fawn shooting and made it its policy to employ special investigators to justify such proposed unpopular measures by their reports; and

Whereas, It is the official policy stated by this department that hunting for meat is outdated and that hunting for the mere kill is the sport of the modern American; and

Whereas, Due to these measures taken by the Department of Fish and Game our district, formerly abundant in wild life, has been utterly depleted of all forms of it excepting predators, and popular resentment against said policies of the department has been expressed by over 5,000 citizens signing petitions opposing these measures, and these petitions having been forwarded to the Governor and other public officials; and

Whereas, The President and the Board of Directors of the Pines-to-Palms Chamber of Commerce have instructed its wild life committee to

create a platform for a campaign designed to seek redress from these intolerable conditions; and

Whereas, It is the purpose of this movement to create a policy by which the 95 percent of nonhunters of the population, as well as the true sportsmen, can find as a common object a sane, sound and ethical approach to the management of the living creatures that inhabit our open lands, mountains and forests; and

Whereas, Such a policy must reflect the progress thinking of civilized man has made regarding his relationship to his fellow creatures, but at the same time will do justice to the hunter by allowing him to take the actual surplus of wild life in the pursuit of his sport and for the use of his table; now, therefore, be it

Resolved, That the policy proposed by said wild life committee be herewith adopted and put before the people, to wit:

Because the creation of the Department of Fish and Game out of the former division which engineered equal status with the highly popular State Division of Beaches and Parks, has proved a costly experiment and a great mistake, we recommend that this department be abolished and a Division of Fish and Game which would enjoy equal status with the Division of Beaches and Parks again be created.

Wild life is a district phenomenon and must be governed on a district basis. This was formerly the case when the handling of the wild life was in the hands of the Legislature which is composed of Senators and Assemblymen elected by the people and directly responsible to the people of their own districts. This situation was a democratic one and lessened the influence special interests had over the handling of our wild life.

The management of wild life in the different districts should be in the hands of a county fish and game commission whose members are elected by the people. These county commissions should determine, with the help of data furnished them by the patrol service and other informational sources, the number of licenses to be issued for any individual district, this number to depend strictly on the available supply of wild life.

Fifty percent of all licenses for any district should be reserved for the residents of this district, and the other 50 percent should be at the disposal of the State Division of Fish and Game. Licenses should be nontransferable and no person should be entitled to more than one license per year in this State.

We believe all the talk of the danger of over-population of wild life is mere propaganda for the bringing in of more and more license money. National and state parks where no shooting is allowed have no over-population problem, and neither have we heard of such over-population existing in fire closures which are opened only occasionally.

We ask return to the policy of game protection as it existed before the "new game policy" took effect.

We urge recognition in word and deed of the fact that the wild life of any state is the property and concern of all the people and must be handled accordingly. For the one man who finds pleasure in shooting a deer and pursuing the dying animal, there are 50 who would love to protect the deer population and see the animals alive in our forests.

We are sure, however, that none of these would begrudge giving the actual surplus to the hunter.

We deplore the licensing of 12-year-old children to use high powered rifles to kill deer, including does and fawns.

PINES-TO-PALMS CHAMBER OF COMMERCE
ARTHUR H. NIGHTENGALE, President

WRITTEN STATEMENT OF MR. BAXTER C. LOVELAND, CHAIRMAN IMPERIAL COUNTY FARM BUREAU GAME DEPREDATION COMMITTEE

The unprecedented depredations to agriculture during the winter of 1943 prompted the organization of a game depredation committee by the Imperial County Farm Bureau to assist in resolving the difficulty. Farmers had complained at various times since early 1921 about the depredations but no organized effort was instituted to relieve the problem. Early depredations were caused principally by sprig (pintails) and mallard on their migrations south which coincided with the planting of our wheat and barley, and the harvesting of our rice. The greatest damage to agriculture was not caused by the food that the birds ate, but by the puddling the birds did on the wet ground, at times destroying the crop and making the ground as hard as pavement, useless for a whole year. Then in December came the widgeons, the green feeding birds, which are smart enough to hide from the sportsmen during the daytime, and fly out in huge flocks just at sunset to ravage some unsuspecting farmers' lettuce, alfalfa or other green feed, including carrot-tops, cabbage, etc., and fly back at daybreak to either the refuges or the safety of the Salton Sea. By this time the sprig, mallard, teal, etc., had migrated south but the widgeons (baldpates) stayed to plague the farmers until the weather became warmer and they started their migrations northward. In other words, the study committee of the Pacific Flyway Council now inclines to the theory that a certain flight of widgeons throughout the years have relished the superb climate, the fresh water, and the choice succulent feed which our farmers grow, and have wintered here over a long period of time. It is this wintering band of widgeons which has created a problem not satisfactorily solved as yet.

The Imperial County Farm Bureau Game Depredation Committee includes both farmers and sportsmen with a mutual interest in the problem. The committee has worked continuously for a sound game management program, which it approved at the start of its deliberations, the objectives of which were: first, to minimize the depredations to agriculture; second, to harvest a crop of birds each year in season; and third, to conserve as far as possible the present numbers of birds so that those who come after us may also enjoy them. This is a sound program and we have faithfully kept these objectives in mind in our various recommendations to the U. S. Fish and Wildlife Service, and the California Department of Fish and Game. After the sportsmen learned the objectives of the game management program they have given the farmers 100 percent cooperation. Our committee is also grateful for the courtesy, cooperation and implementation of the recommendations made by the committee extended by the two agencies.

The severe depredations to agriculture roughly estimated to be between $100,000 and $500,000 per year reached their maximum just after the start of World War II. For example, one year 300 acres of lettuce was eaten off by widgeons in February, at night in 10 days' time. It was almost ready to harvest, the grower having had an expense of $100 per acre in the crop up to that time. Rice growers lost from 25 percent to 50 percent of their crops during their harvesting operations. I have seen 60 acres of nice tender alfalfa about 8 to 10 inches high eaten right out of the center of an 80-acre field. This interfered considerably with the rotation pasturing plans of this particular cattleman and he was forced to find alfalfa hay at a very high price to feed his cattle until his next pasture was dry enough to feed. This year the wintering widgeons arrived earlier than for a good many years. The first depredations were phoned to me just before Thanksgiving and many farmers have been damaged every night since then. We shall continue to have depredations until the birds leave in March.

Various experiments have been tried to combat this menace to agriculture. All of the submarginal land below the minus 230-foot contour is owned by the Imperial Irrigation District. Our committee recommended to the district that a parcel of ground on the south side of the Salton Sea be leased to the U. S. Fish and Wildlife Service for experimental purposes. Hand feeding of dry grain was the first experiment tried on the 3,000-acre piece and it worked very well in keeping the sprig, mallard, teal, etc., off the farmers when they first arrived in the valley, and until the barley and wheat sprouted enough so they wouldn't eat it. It also protected the rice growers until their crops were harvested. At the same time we tried airplane herding until the crops were harvested with very good results. We recommended the expansion of the game management area to the U. S. Fish and Wildlife Service which were to provide the feeding and resting areas, and also interspersed with area leased to the California Department of Fish and Game who were to provide the public shooting areas with growing feed, blinds for shooting, and fresh water as attraction for the birds. But the development of the submarginal lands surrounding the southern and southeastern shoreline of the Salton Sea for growing suitable and palatable duck food proved to be both costly and disheartening. The gradual rise in the level of the Salton Sea from a minus 246-foot level to its present level of minus 234 feet has inundated thousands of acres of what could have been a wonderful game management area. The two agencies involved have gradually moved back from the inroads of the sea until only a token part of the original area is now available for growing crops suitable for waterfowl. The water table is so high on other parts that it is unsafe to even try to operate tractors or other machinery on it. They just bog down. Only about 10 acres now have the original blinds on them out of the 1,000 acres that were once used for public shooting.

Each year a census of the depredations has been given by the farmers themselves, and each year a staggering loss has been reported. The feed grown by the two agencies and left standing for the birds to eat when they arrive here has partially solved our October and November depredations. Hand feeding of dry grain also helps immensely to keep the birds off the farmers. But the widgeon is a different critter. He arrives

about this time of the year, feeds only on the choicest alfalfa, lettuce, beet tops, cabbages, etc., which he has the uncanny ability to select at night, rafts up on the Atomic Energy Commission area on the Salton Sea during the daytime, inviolate to everyone else, and should be to widgeons, and continues his depredations until the middle or end of March depending on the weather, when he migrates to colder locations up north. Various experiments have been tried to control this wiley bird, but very little results have been obtained. Growing green feed which the widgeons relish, such as alfalfa, barley, lettuce, etc., have helped, but there are too many birds for the acreage devoted to that effort. This has invited a tremendous flight of geese to come in and eat the green feed intended for the widgeons. We have floated green chopped alfalfa down both the Alamo and New Rivers to the Salton Sea to the widgeons and while they have eaten much of this feed, they still like the fresh green alfalfa in the farmer's fields much better. We have used pyrotechnics all night on freshly irrigated alfalfa and lettuce; we have used revolving lights; and while both of these techniques are recommended they only scare the birds to another unsuspecting farmer's fields, where neither the pyrotechnics nor revolving light are used, and he wakes up in the morning to find a big hole in his field eaten off by the widgeons. During 1944 the U. S Fish and Wildlife Service granted a special widgeon season after the regular hunting season had closed, to try to control the widgeon but without results. We were in a war; gasoline was rationed; tires were rationed; shotgun shells were hard to get; and no one had the time to go and hunt widgeons. The Wildlife Service also set up a special "depredation order" for us in 1953 but it was never used.

Our committee has viewed the situation each year objectively to the end that greater protection was afforded the farmers; the sportsmen have had more and better areas on which to find good shooting; and yet the number of birds taken have been very reasonable. Last year only 3 percent of the birds taken on the public shooting areas in the Imperial Valley under the operation and management of the California Department of Fish and Game were widgeons. Before making any recommendations to either agency our committee has made personal inspections of the property involved; we have conducted special tours of the areas for the past five years, with an increasing attendance; we have constantly watched the supply of pyrotechnics which are used to frighten the birds off the agricultural areas; we furnished the funds for airplane herding when no other means or methods produced results; we recommended changes in the hunting regulations most of which have finally been adopted; and we have recommended the purchase or lease of additional acreages to expand the present game management program. It was our committee which furnished most of the evidence to the congressional committee which secured the passage of the Lea Act. This act provided that the U. S. Fish and Wildlife Service could either purchase or lease an additional 20,000 acres in California for the use of migratory waterfowl. For the first time in history it also provided that parts of that area could be opened to public shooting under the management of the California Department of Fish and Game, upon the recommendations of local responsible committees. Our committee recommended the opening of the Lea Act Fund lands, 1,200 acres total,

for the first time in 1953 and a splendid goose shoot was the result. Last year we recommended that the Lea Act lands remain closed during the first half of the current hunting season. Our recommendation carried one restriction that only one-third of the area be opened at a time in order to carry out the necessary good irrigation farming practices. Finally we appealed to the U. S. Fish and Wildlife Service for a special "depredation order" to start immediately on the close of the regular hunting season and to continue as long as necessary. The Wildlife Service granted our request and issued a special "depredation order" so that farmers might report any depredations they were suffering, and the sportsmen could phone in and learn where the farmers who were having trouble were located. This arrangement worked to perfection, and has proven to be our most economical and practical experiment so far. The "depredation order" was immediately in force following the close of the regular hunting season on January 10, 1955. It provided that widgeons and coots could be hunted 24 hours a day, over any agricultural areas suffering depredations, with no bag limit. Enough sportsmen kept enough gun pressure on the birds all during the night so that they were broken up into small flights. No farmer objects to feeding a small flight of birds, but it is the destructiveness of the immense flights which causes the severe damages. Until the birds are reduced in numbers to where they can either be managed or fed on the federal and state refuges, a special "depredation order" must be granted to us each year to keep the depredations to agriculture to a minimum. Even though considerable damage was reported by farmers during the month of December, 1953, only 25 called on the sportsmen for assistance after the "depredation order" went into effect

It was estimated by various sportsmen and officials that approximately 4,000 birds were taken during the "depredation order" of 1954, out of the 40,000 birds, (widgeons) the survey revealed were wintering in our valley and only 2,000 birds were taken out of the 70,000 estimated to be here during the "depredation order" of 1955. Night shooting is not very interesting to the majority of sportsmen, but the farmers certainly appreciate the fine cooperation extended to them by the sportsmen during the two "depredation orders." During 1953, from the end of the regular hunting season until the birds left the valley the last of March, our farmers used a total of 153 cases of star cluster and parachute grenade flares with the surplus Army 30-06 Springfield rifles During the "depredation order" of 1954, only 16 Very pistols and a small amount of ammunition were used with the 16 herding permits.

Since our committee has worked consistently to reduce the depredations to farmers, we have finally been granted the only workable arrangement which is fair to the farmers; fair to the sportsmen; and fair to the birds. The simplicity and effectiveness of the "depredation order" precludes any other arrangement at present. We expect the U. S. Fish and Wildlife Service to set up another "depredation order" for our use upon the close of the regular hunting season, and we hope we can receive the same fine cooperation we had during the 1954 and 1955 "depredation orders."

The inundation of the submarginal lands around the Salton Sea continues to narrow the available areas for game management purposes. It

is now necessary to permit the U. S. Fish and Wildlife Service to acquire more acreage in order to provide more of the necessary feeding and resting areas. The Niland-Wister asquisition has provided the California Department of Fish and Game with enlarged facilities to provide feed and public shooting areas. To be really effective, both agencies should have comparable areas interspersed with each other. It will be necessary to secure permission from the California Department of Fish and Game, and the Imperial County Board of Supervisors to allow the U. S. Fish and Wildlife Service to expand its present areas. At present about 60 percent of the original 12,000 acres allocated to the Wildlife Service for feeding and resting areas have been inundated and the high water table on much of the remaining acreage prevents any farming as far as feed is concerned. This additional acreage which we are now recommending is necessary to grow green feed to attract as many of the birds as possible. Our game depredation committee first recommended to the U. S. Fish and Wildlife Service that the necessary additional acreage be acquired under an extended "Lea Act." This act for the first time in history permitted the entire acreage to be opened to public shooting when feasible. However, we have learned that no funds remain in the "Lea Act" with which to either purchase or lease additional acreages, but that there are some funds that can be used in the Amended Duck Stamp Act which permits 25 percent of the acquired acreage to be opened to public shooting at any one time. As most of the original inviolate acreage under control of the U. S. Fish and Wildlife Service is now under water we strongly recommend to the Wildlife Service that Amended Duck Stamp Act moneys be used to lease the additional acres that may be available for feeding and resting areas.

We would appreciate a recommendation from this committee of the Assembly to the Department of Fish and Game and the California Fish and Game Commission endorsing our recommendation. We have already secured the approval of this recommendation from the Imperial County Board of Supervisors.

WRITTEN STATEMENT SUBMITTED BY H. A. HUNT FOR THE BARD-WINTERHAVEN ROD AND GUN CLUB

The relatively small numbers of ducks that make their way along the Lower Colorado River during the winter months do not cause a serious agricultural problem but neither do they provide good hunting for eastern Imperial County.

It has been noted in other areas that feeding grounds located in close proximity to farming areas sometimes increase the agricultural losses nearby because ducks tend to concentrate on the feeding grounds and soon learn to forage on the farms nearby.

We believe there is an ideal situation provided along the Lower Colorado for the development of duck feed that will improve hunting and at the same time draw the ducks away from the agricultural areas.

These conditions are as follows: From Palo Verde to the Imperial Dam there is a stretch of river some 80 miles long that is remote from any farming area. Since the river is now controlled by the large storage dams above Blythe, there are many silt banks of various widths and lengths that could be planted to duck feed. Many of these silt banks

can be reached by jeep and power wagon to be cultivated and irrigated at nominal expense. There are many backwaters and sloughs that provide resting areas for the birds including the waters backed up by the Imperial Dam.

Ducks and geese that now only stop for a few days in the Imperial Wild Life Refuge enroute to Mexico could be held for longer periods given good feeding grounds and very possibly ducks that now cause loss in the Imperial Valley could be diverted to this nonagricultural area.

It is believed that the California Wild Life Board has already made enough surveys along the river to be able to institute a duck feed development program without further research or expense other than the actual cultivation and planting of the duck feed in suitable locations.

We respectfully urge the Committee on Fish and Game to give favorable consideration to this program for the benefit of sportsmen and as a safeguard to agriculture.

WRITTEN STATEMENT SUBMITTED BY VAL COLBY, BARD-WINTERHAVEN ROD AND GUN CLUB

Chairman of the Subcommittees of Fish and Game,
Mr. Thomas Erwin and Mrs. Pauline Davis,
Members of the Committees

For the past several years growing concern has been felt by organized conservation clubs in several states over the tendency of the armed services to infringe upon fish and game refuges or take over large areas of state and federal lands.

The Bard-Winterhaven Rod and Gun Club has been particularly concerned because of the huge Army and Navy installations on the lower Colorado River and in Imperial County.

The Secretary of the Interior has been unalterably opposed to the transfer of refuge lands to the armed services. However, the armed services have switched their request for outright *transfer* to *exclusive use* of refuge lands.

We ask that the subcommittees be on guard against such tactics as there is no variation of intent. We also ask that the subcommittees examine carefully demands of local "citizens'" or "business men's committees" which, for their own local and selfish gain, spring to the support of the armed services requests for more land, pressuring their representatives and congressmen with the argument that it would bring prosperity to their town, county or State, and, with complete disregard to wildlife and recreation areas. Such tactics would not be necessary if the need were real or in time of national emergency.

Due to the magnitude of the Army's appropriations this year it will behoove our representatives and congressmen to weigh carefully all demands for acquisition of any public or refuge lands, and to confer with Fish and Wildlife Committees in the areas affected. We urge you and your committees to be prepared for any future acquisitions.

We, as representatives of the Bard-Winterhaven Rod and Gun Club, of Imperial County, on the lower Colorado River, ask the subcommittees to accept as part of this brief the resolution of our meeting of October 24, 1955, which is attached.

RESOLUTION

BE IT RESOLVED, That the Bard-Winterhaven Rod and Gun Club go on record as opposing the transfer to the Military of any lands belonging to the Imperial Wildlife Refuge, or any lands adjacent to the Refuge, which would remove these lands from public hunting and fishing, and be it further

RESOLVED, That the Club also go on record as opposing the transfer to the Military lands belonging to the Wichita Mountains National Wildlife Refuge, the Aransas Refuge, the Kofa Game Refuge, and other fish and wildlife refuges. We deem this resolution to be proper as there does not now exist a time of national emergency and such lands are not needed for national defense, and these lands better serve the citizens of the State and Nation as wildlife refuges.

WRITTEN STATEMENT submitted by the Southern California Fisheries Association.

Assembly Bill No. 803 proposes restricting the commercial take of barracuda. In considering this bill the Southern California Fisheries Association asks that proper value be given to the fact that the consumer has a big stake in this proposed bill.

Before going further it is important to emphasize that members of the commercial fish industry are fully aware that proper fish laws are essential and desirable. Too often commercial fish industry members are classed as a group not interested in conservation. Nothing could be more untrue because they more than anyone realize that conservation means a continued supply, an all important factor for the welfare of their business.

A most important question raised by any proposed legislation is, will that legislation bring about the greatest good to the greatest number. In connection with this proposed barracuda legislation the statement is often heard that far more anglers and persons are engaged in the sport fishing business than are engaged in the commercial fish industry. Consequently, these persons reason, legislation drastically restricting the commercial take, even stopping the sale, of barracuda would be legislation for the majority. Setting aside the great numbers directly engaged in the commercial fish industry, the number of consumers who like to eat fish and for whom fish is a reasonably priced source of protein so far outnumber the anglers and persons in the sport fishing business that there can be no comparison. The stock reply to the observation relative to the paramount interest of the consumer usually follows along the lines that if the consumer cannot buy the fish to be restricted, in this instance barracuda, other fish can be purchased. That is true enough. But the results of such action could only give impetus to a never ending cycle, i.e. as fish after fish were taken off the market commercial fishing would of necessity be confined to fewer and fewer varities. This would lead to new scarcities, now restrictions, more scarcities, etc., etc. So that restricting the commercial catch or stopping the sale of barracuda is not the answer to the best utilization of a natural resource, nor is it in the best interest of the majority, the consumer.

Often the thought is expressed that restricting the commercial catch, or stopping the sale of a certain fish, lends incentive for people to go out and catch their own fish. The trouble here is that this incentive can lead to so many more anglers that depletion, if it has already started, is accelerated. The history of the striped bass in Northern California is

a good example of this. More and more restrictions on anglers and cuts in the anglers' catch limit became necessary in spite of the absolute closing of striped bass to commercial fishing. For barracuda the argument is offered that this would not happen because angling for barracuda would not attract such great numbers due to the fact that to catch barracuda means going out in the ocean which requires the use of a boat which makes angler caught barracuda an expensive food item, more expensive than the average person wants to pay or can afford.

That argument brings us right back to the original contention that legislation restricting the commercial take of barracuda would be for the benefit of the comparative few able to afford the anglers' high cost and that it would not be in the interest of the great mass of consumers who like to eat barracuda and want it to remain available to them as a good and essential protein food that can be had at a reasonable cost.

What is the answer? The members of the fish industry believe that more study is needed. For instance, barracuda being a migratory fish, how much good would result by restricting the California catch while the Mexican catch remained wide open? Perhaps an international commission established by the United States and Mexico such as operates for halibut and salmon by the United States and Canada would be the answer. More study could reveal other possibilities. In any event, Assembly Bill No. 803 involves the interest of a great mass of the public, the consumers of fish, and caution is indicated before any further commercial restrictions are placed on barracuda.

Exhibit A

State of California
Department of Employment
Report 127A, No. 210

Research and Statistics
March 23, 1954

TABLE 1

ANNUAL INSURED WAGES AND MONTHLY EMPLOYMENT IN THE CANNING AND PRESERVING OF SEA FOODS—STATE OF CALIFORNIA, 1947-SEPTEMBER, 1953

	1953	1952	1951	1950	1949	1948	1947
Total annual wages	$17,635,813	$22,747,096	$24,666,611	$28,861,578	$24,656,126	$25,959,607	$20,130,606
Number of Employees:							
Average	7,778 [a]	7,201	7,956	9,759	9,033	9,817	8,318
January	6,874	4,839	10,368	9,332	6,922	8,502	7,167
February	7,549	4,761	7,498	5,954	5,320	8,484	6,557
March	6,509	5,312	7,535	7,290	6,813	8,006	5,576
April	8,011	6,407	5,303	6,446	7,120	7,601	5,352
May	8,607	5,911	7,447	7,101	7,562	9,666	7,543
June	7,592	7,174	7,495	8,313	7,581	10,396	7,679
July	8,494	7,376	7,850	8,775	8,248	10,360	8,195
August	8,779	8,552	7,871	10,256	9,484	12,545	10,116
September	7,589	8,903	8,797	12,315	12,734	13,095	10,330
October	[b]	9,434	12,959	15,033	14,631	10,834	10,668
November	[b]	9,745	7,559	14,310	9,612	7,489	10,371
December	[b]	8,007	4,786	11,982	12,366	10,329	10,259

[a] 1953 average is based on nine months' employment
[b] Not available at the time the figures in this table were compiled

SOURCES: Table 1A, Report 127, California Employment and Pay Rolls, and group prints for Reports ES-202.

Exhibit B

State of California
Department of Employment
Report 127A, No. 210

Research and Statistics
March 23, 1954

TABLE 2

WEEKS OF COMPENSATED UNEMPLOYMENT IN THE CANNING AND PRESERVING OF SEA FOODS [a]—STATE OF CALIFORNIA, 1947-1953

	1953	1952	1951	1950	1949	1948	1947
Total for year	86,422	114,565	111,745	117,829	129,205 [b]	61,014 [b]	62,443 [b]
Weeks Compensated:							
January	8,218	19,946	9,147	12,238	[c]	5,067	[c]
February	9,998	19,612	6,213	12,212	14,341	7,843	8,600
March	10,716	16,799	11,035	20,051	22,515	8,364	7,489
April	6,803	11,078	14,375	13,941	14,864	12,364	9,028
May	4,619	9,463	15,614	15,370	12,716	7,116	8,481
June	6,818	7,814	7,720	13,781	11,822	8,576	7,132
July	5,298	6,442	7,480	10,248	13,466	8,049	5,052
August	3,298	3,669	8,330	7,580	10,630	3,635	3,522
September	3,713	2,755	5,094	4,532	6,955	[c]	2,372
October	7,547	3,353	5,512	2,549	5,627	[c]	2,826
November	8,871	3,928	6,666	1,266	6,052	[c]	2,750
December	10,523	9,706	14,559	4,061	10,217	[c]	5,191

[a] Date concerning the number of different individuals who were unemployed in this industry are not available
[b] Total for the months for which figures are shown
[c] Data not available.

SOURCE Group prints used in the preparation of Report 96A, Unemployment Insurance Payments by Industry

STATEMENT OF HERBERT C. DAVIS,
CALIFORNIA FISH CANNERS ASSOCIATION,
San Pedro, California, Thursday, January 26, 1956:

Mr. Davis: My name is Herbert C. Davis. I represent the California Fish Canners Association and will speak specifically on behalf of the members of this association and generally on behalf of the commercial fishing industry. You are all familiar with my background as a former government official and as a representative of the fishing industry.

I am sure that you will give to these remarks the weight that each of you thinks they deserve.

Your committee is meeting to inquire into and study the subject of "Fisheries Management." This inquiry is occasioned by the fact that the Department of Fish and Game and others have, for some years, advocated a change in the method of management from a statutory procedure to an administrative procedure. This desire was translated into specific legislation at the 1955 Session by Assembly Bill No. 62 and Assembly Bill No. 3823, which bills were referred to this committee.

It is my intention to discuss the subject of "fisheries management" in its broad aspects and I will then discuss the specific proposals that have been made in California from time to time in connection with sardines.

I think we should give you a good stage setting with all of the back drops necessary to orient you properly on the position occupied by the commercial fishing industry in the economic scheme of the State, the Nation, and the world.

In commencing this discussion, I suggest that we first define several terms so that both you and I will be discussing and thinking the same

thing. The definitions do not have to be universally accepted, but are presented for the purpose of this discussion only.

Let's define the term *"industry."*

Industry is that activity of men that takes raw materials of various kinds and, by the application of labor and ingenuity, creates an article of commerce and thus adds a commodity to the wealth of the Nation.

Our basic industries are those which use our natural resources as the raw material. In California, these industries in the order of the size of their contribution to the wealth of the Nation are:

Agriculture
Petroleum
Forestry
Fisheries
Mining.

Now let's define *"business"* as that activity of man which adds labor in the form of services to the commodities produced by industry, thereby enhancing their value and accomplishing the work of distribution of the newly-created wealth to the ultimate consumer, who uses it up and creates the demand upon industry for its replacement, thereby keeping the wheels going in our economic scheme.

"Recreation" is that activity of man at which he spends his time and the money he has obtained from industry and business in the pursuit of health, happiness, pleasure, and peace of mind, and he may even pit his personal skill against the creatures of nature in an attempt to subdue and capture them.

In this activity he is a consumer of goods and services and contributes nothing to the Nation's wealth or his own personal fortune.

"Management of renewable resources" can be defined as that activity of man which contributes to the maximum sustainable yield of our renewable resources.

Soil conservation, crop rotation, and livestock improvement are some of the elements of management in agriculture.

Forest protection from fire and insects, controlled timbering, replanting of cut-over areas, and cutting an equivalent of the annual growth are some of the elements of forest management.

Ocean fisheries management may consist of research, controlled catch, gear restrictions, open and closed seasons, control of water pollution, and artificial propagation.

It should be clearly understood that man can do very little in actually managing or controlling the pelagic marine fisheries. His influence, either good or bad, is small indeed when compared with the gigantic forces of nature These natural forces are: ocean currents, water temperatures, salinities, plankton supply, and the feeding habits of other marine animals. These forces of nature constitute the environment in which our fisheries live. The environment controls the supply, and man lacks the power to change the environment.

In addition to these definitions, we should also consider the economic philosophy of the Country in which we live. Mun, Adam Smith, Ricardo, and Karl Marx have offered economic philosophies of varying kinds to define the wealth of a nation.

I believe that the American philosophy is a combination of all, and adds the element of *"ingenuity"* in developing mass production, mechanization, and marketing. Therefore, we can say that the economy of our Nation and the State of California is dependent on the utilization of our natural resources, to which we add labor and ingenuity to produce the new wealth in dollars or commodities that is needed to replace that which is consumed daily.

It should, therefore, be against public policy to restrict or prohibit the commercial utilization of any renewable resource except for purposes of maintaining the maximum sustainable yield.

The California fishing industry consists of several segments.

The fishermen and boat owners, working together, are the producers of the raw material.

The canners, freezers, and fish market operators are the processors of the raw materials.

Can manufacturers, carton manufacturers, label makers, and vegetable oil refiners are allied industries, who supply part of the materials used by the fishing industry to produce its completed commodities.

This industry thus produces on the order of 200 million dollars' worth of commodities a year to add to the economic wealth of the State. The Nation's transportation facilities and the distribution businesses further enhance this value to an unknown figure.

The world production of sea foods is approximately 30 million tons per year. The world production of red meat is 44 million tons per year. This gives you some idea of the important part that fisheries play in the world economy.

It is, therefore, easy to understand the reasoning behind the United Nations Educational, Scientific, and Cultural Organization that the sea and the fisheries will have to supply the future animal protein needs of the expected world population of four billion, which is about double the present population. This will not be accomplished by unwise or unwarranted restrictions.

I have offered this background material for the purpose of impressing upon you the importance of this industry and the fact that its future should not be the subject of experimentation, nor should it be treated as a stepchild of fish and game administration in this State by the Legislature.

Please approach any proposals in the field of management from this viewpoint instead of from the hysterical pressure of mass clamoring on the part of those who do not consider the elements of economics to be important when their personal desires interfere.

Now let's approach the subject of fisheries management in California.

Presently, our system for management of the commercial fisheries can be referred to as the statutory procedures. All of the present restrictions are matters of statute with a few exceptions where the Legislature has delegated certain limited powers to the Fish and Game Commission. This is management by the Legislature.

At the last session, Assemblyman Stanley expressed amazement that the Legislature was responsible for fisheries management and stated that he had inquired of many members, who said that they had never heard of this fact. It is hard for me to believe that there are any members of the Legislature who do not understand that the Legislature

is the body that manages everything that pertains to the State of California except those things that have been reserved to the people by the Constitution. The Legislature may delegate its powers to certain boards or commissions with or without limitations, but the Legislature is still responsible for this act, and if it doesn't like the way management is handled by the delegates, it can withdraw its authority.

The first statutes pertaining to the commercial fisheries were passed about 1865 or 1866 and dealt with salmon. In the year 1870, the Fish Commission was established for the purpose of administering the commercial fishing laws. It was not until 1878 that the first game laws were passed and the Fish and Game Commission established.

It is quite evident that the Legislature was alert 90 years ago in taking up its responsibilities to manage the commercial fisheries commencing in 1865. It is equally evident that it has carefully and deliberately retained its jurisdiction and refrained from delegating its authority with respect to the commercial fisheries As recently as 1945, in the act that delegated power to the Fish and Game Commission to regulate the taking of fish and game, this reservation was made: "No power is delegated to the commission by this article to regulate the taking, processing, or use of fish, mollusks, crustaceans, kelp or other aquatic plants for commercial purposes * * * ."

It is not possible to manage all of the various species of fish by blanket or uniform laws or regulations. The characteristics of each species must dictate the procedures that will be followed for managing that particular species. You will find in the Fish and Game Code that the Legislature has dealt specifically with each species.

The present interest in fisheries management is occasioned primarily by the fluctuations in the sardine catch. Therefore, I'll confine the balance of my remarks to the sardines and those other species that may have similar behavior.

Here are the positive steps that the Legislature has taken through the years in the management of the sardine:

1. It has set an open and closed season. This has been adjusted and shortened on several occasions.

2. It has provided for specific utilization by requiring a minimum pack of cases per ton of fish.

3. It has restricted utilization for purposes other than canning, curing, and bait. It has delegated only limited powers to the Fish and Game Commission to determine whether there are available surpluses of fish for which the commission could issue permits.

This procedure was predicated on the theory that food production was paramount and that other utilization was in a secondary position. This philosophy now requires overhauling as it has no place in fisheries management or conservation.

4. It has provided penalties for waste and deterioration of fish.

5. It has provided for research on the fishery for a great many years; first through the general administrative facilities of the Division of Fish and Game by specific appropriations in the budget; also by specific legislation with respect to confidential catch records from the fishermen to facilitate this research.

6. In recent years, the Legislature has gone even further in the field of research. In addition to the normal budgetary support of the research facilities of the Department of Fish and Game, it has provided for special taxes and created a Marine Research Committee to disburse the funds derived from this tax for research on the sardine and similar species.

7. It has made large appropriations in the budget of the University of California for the establishment and support of the Institute of Marine Resources at La Jolla.

It would, therefore, appear that the Legislature has already taken every known step in the field of fisheries management for this particular fish, except that of imposing a bag limit or total quantitative limitation.

In view of this situation, we must conclude that the proponents of management legislation can only be talking about the imposition of a quantitative limitation. However, there is no proposal of this sort before you. Therefore, we must further conclude that the proposals to transfer the management of the fishery to the Fish and Game Commission, which is the proposal contained in the bills before you, must be motivated by a dissatisfaction with what the Legislature has already done or the desire on someone's part to enhance the bureaucratic power of a department of the State by asking for further delegation of legislative authority. It is obvious that the only new thing the commission could do that the Legislature has not done would be to impose a quantitative limitation on the catch. The Legislature itself could do this if it felt the evidence warranted such a move.

After 90 years of dealing directly with these matters, we feel that the Legislature would be ducking an issue and passing the buck if it passed over to the commission, or any other administrative body, the authority to do the only thing that it has not done. Such a move on the part of the Legislature could even be construed as a mandate to the commission to place an over-all bag limit on sardines.

We urgently request that the Legislature preserve and hold its right to make these all-important decisions and to satisfy itself that it has the very best evidence and reasonable agreement among researchers before invoking restrictions on the industry.

This brings us to the meat of the coconut.

The availability of the sardine has been such in recent years that landings by our California industry have fluctuated tremendously. In our sister states to the North and in Canada, they have disappeared entirely as is true also in Northern California. Everybody and his brother has offered every conceivable reason, excuse, and theory on the cause of this fluctuation. The suggestions run all the way from blaming the Army and Navy for dumping bombs and acids in the ocean through the fields of pollution and overfishing to oceanographic conditions that have produced an unfavorable environment. This is exactly why we are here. We have no agreement among the researchers on either the causes or the cure.

The Department of Fish and Game has claimed that a quantitative limitation in years gone by would have prevented these fluctuations. Their point of view has been thoroughly publicized. Through lack of

specific knowledge, the public has been inclined to accept this statement, hence, the pressure on you. Strangely, the department's spokesmen stand pretty much alone in this position.

The other cooperating agencies, which include the United States Fish and Wildlife Service, the University of California, Scripps Institution of Oceanography, California Academy of Sciences, and Stanford University, have never subscribed to the theory that controlled fishing in California would have had any effect.

This fishery roams from Mexico to British Columbia, and the control of fishing in any portion of this area would not regulate or change the behavior of the fish or their environment. Mexico is currently developing a substantial sardine canning industry, and Oregon, Washington, and British Columbia operate substantial reduction industries when the fish are available.

Certain researchers have gone so far as to state positively that controlled fishing is not and never was the answer to the problem. Let me quote some. Professor Willis Rich of Stanford University said in 1948, "Had catch limits been imposed at the levels recommended, serious economic loss would have resulted, and except possibly for the last few years, there would have been no compensation in the way of improvement of stock." He was referring to the limitations of 200,000 to 250,000 tons advocated from 1929 through the early 1940's.

A. G. Huntsman of the Canadian Board of Fisheries has this to say: "Belief that restriction of fishing will increase the long-term yield has been very general. * * * Natural fluctuations in abundance of fish, which have been definitely demonstrated to be prevalent, should be clearly distinguished from any effects of fishing. * * * Fishermen naturally insist on regulations that permit fishing to be worthwhile. Except for this, practically the whole current of fishery management is of questionable character, as based upon conceptions that are not firmly established in fact. Such should be considered only as experiments of which the results should be determined. To continue such practice without determining results is to run the risk of responsibility for utterly useless or even harmful procedures."

Dr. L. A. Walford, Chief, Branch of Fishery Biology, United States Fish and Wildlife Service, had this to say before the 1954 convention of the National Canners Association. "Many of you are concerned about the condition of your fishery stocks, several of which seem to have receded to a low ebb of abundance in recent years. You are asking what has happened to pink salmon, to Alaska herring, to Maine sardines, to the Pacific sardines, to the Gulf of Mexico shrimp. Are there fewer of them in the sea or have they perhaps retreated to distant, more obscure areas and become less accessible to fishermen? Whatever the nature of the condition may be, is it permanent?

"It is not only Americans that are concerned with these questions. So are people in other parts of the earth Comparable conditions have occurred elsewhere, not only in California, Maine ,or Alaska, but also in such distant and widely separated places as Japan, India, Spain, North Africa. * * *

"We are talking about fishes and invertebrate animals that happen to be commercially useful for canning. The exact information about the history of these species is limited to a relatively few recent years

when they have lived under the pressures of intense fisheries. We know nothing about their fortunes under virgin conditions. In those days, did they go through alternating periods of abundance dispersed with periods of contrasting scarcity?* * * This much, however, seems clear. Conditions have rarely been 'normal' as we will show you in three examples.

"1. Fishery harvests are characteristically unstable, subject to irregular oscillations. This is illustrated in schematic representations of 150 years of Atlantic mackerel fishing, 50 years of American cod fishing, and 37 years of Pacific sardine fishing.

"2. A graphic record of 20 years of sardine fishing in Northern Spain shows very uneven results.

"3. In 300 years of Japanese fishing for tunny, skipjack, herring, squid, and saury, periods of abundance alternate with periods of scarcity. Data are not statistically good enough to demonstrate any periodicity in these waves. Nevertheless, some Japanese scientists interpret that waves of maximal abundance have occurred about as follows: tunny, 60 years apart; skipjack, 80 years apart; sardines, 100 years apart; and Hokkaido herring, 50 years apart."

Dr. Clarence B. Idyll, Marine Laboratory, University of Miami, had this to say in February of 1955: "Good fishery management should involve encouragement of increased fishing effort if under-exploitation can be proven—it should also be prepared to impose restrictions on fishing when over-exploitation can be shown to exist. You will immediately recognize the joker in these statements. They insist upon proof of the condition of the fishery before control is proper, and the proof is always hard to achieve. * * * I have emphasized that the decision as to whether a fishery needs restrictive regulations in the first place should depend upon careful scientific analysis and not be determined by emotions or selfish opinions."

Certainly there is not sufficient agreement among the participating agencies of our California cooperative fisheries investigations to meet these demands of proof that quantitative restrictions are in order.

It is up to this committee to determine whether it wishes to be forced into resolving a problem that cannot yet be resolved by the researchers.

STATE OF CALIFORNIA

Attorney General's Office
Department of Justice
State Building
San Francisco 2, California

October 2, 1956

Attention: Mr. Ralph W. Scott,
Deputy Attorney General

The problem of so-called sport fishermen taking out commercial licenses either to evade the angling bag limits or to sell enough fish to pay for their trip has become increasingly acute.

The Citizens Advisory Committee to the Assembly Interim Committee on Fish and Game has requested us to prepare recommendations for

elimination of this problem. The committee, in fact, asked us to solicit your advice on the matter. The committee is reporting to the Assembly Interim Committee on October 17 following its meeting at Eureka on the 15th. May we have the benefit of your ideas before that time.

Several ramifications of the problem exist. Although most of the difficulty so far has been with salmon, the problem is growing in other fisheries.

The evasion of the sport fish limit by these semicommercial fishermen not only causes competition with the sportsmen but is an excessive drain on the resource. At the same time cut-rate sale of this fish is a competition with the legitimate commercial fisherman.

Some of this semicommercial fishing occurs on party boats but most of it takes place on private boats. The tremendous growth in sales in trailer boats and outboard motors has intensified the problem. Two types of people seem to participate in this fishery. One is the person who buys a commercial license merely so he can catch more fish than the sport bag limit. He likes to take home a trailer full of fish to give to his friends and brag about his prowess.

The other type is the person who sells his catches to help pay for his trip or to augment his income. Some of this fish is sold through legitimate channels of trade but most of it is peddled to retailers, restaurants, bars, and directly to the consumer.

Many suggestions have been made to put a stop to this type of activity. Perhaps legislation based on Fish and Game Code Section 809 would be helpful. This section refers only to commercial clam digging but the requirement for a current daily written order has worked out well in this fishery and the principle might be expanded. Some of our field people have proposed a somewhat different type of approach. Two new code sections are suggested. They read as follows:

> "The holder of a commercial fishing license must deliver all fish taken under the authority of such license to any person licensed under Section 1010 of this code or a bonded cold storage plant to be held for sale. He may possess for his own use not more than one daily bag limit of any fish providing such fish are taken legally.
>
> "By definition any holder of a commercial fishing license giving, selling or delivering fish directly to the consumer or any person taking, receiving or purchasing fish directly from commercial fishermen is dealing by wholesale and must possess a license as prescribed under Section 1010."

Would these preclude the fisherman from holding the fish aboard his own refrigerated boat awaiting a better market? This is a common practice and should not be prevented. We would like your comments on the above proposals and any others which you may be able to suggest.

(Signed) SETH GORDON, Director

STATE OF CALIFORNIA

October 5, 1956

HON. SETH GORDON, *Director*
Department of Fish and Game
Sacramento 14, California

Subject: Sport "commercial" fishermen

From: Office of the Attorney General
Ralph W. Scott, Deputy Attorney General

I have given some thought to the problem arising from the practice of certain sportsmen operating in the manner outlined in your letter of last October 2 under commercial fishing licenses. Inasmuch as the problem revolves around the license itself, it occurred to me that it might be solved if commercial licenses were limited to those who are actually in that business for a livelihood. To that end a new paragraph or sentence might be added to Section 990 to read substantially as follows:

> "No person shall engage in commercial fishing as defined in this section unless the major portion of his *earned income* is derived from such commercial fishing. As used in this section the words 'earned income' mean income acquired only by the work or labor of the licensee."

You will note that the words "earned income" are distinguished from income derived from interest on capital investments, dividends, etc.

You might also curtail the sportsmen who take out commercial licenses by revamping the last sentence of Section 809 so as to require a written daily order along the line of order No. 5. This, however, would probably create more work for the patrol and enforcement branch.

I think the first of the two proposed sections set forth on page 2 of your letter might provoke litigation on the question as to whether it places an undue restraint on commerce, intrastate or interstate. It forces a commercial fisherman ultimately to deliver his catch to a bonded cold storage plant or to one licensed under Section 1010, whereas he might desire to sell and deliver directly to a retailer or consumer. It might also cause litigation on the very question you raised on page 2, that is, whether a fisherman could hold fish aboard his own boat under refrigeration awaiting a better market. The section does not say when the delivery must be made and, while the courts would probably hold that the delivery would have to be made within a reasonable time, the question of reasonableness may have to be determined in different cases under different circumstances.

With respect to the second proposed section on page 2 of your letter, it is possible that even with the additional requirement of taking a license under Section 1010, it might pay the so-called commercial sportsman to take out such a license. If so, that would not solve your problem. Normally a person selling to a consumer is a retailer, and I question the advisability of trying to turn a retail transaction into a wholesale transaction "by definition" contained in a statute. Moreover, it is possible that the true commercial fisherman may wish to sell his catch from time to time directly to consumers without being subjected to Section 1010, et seq.

As you asked for an immediate reply I am sending this letter without delay, but if I get any further ideas before your Eureka meeting, I'll let you know.

(signed) RALPH W. SCOTT

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ASSEMBLY INTERIM COMMITTEE REPORTS
1955-1957

VOLUME 6 NUMBER 4

SPECIAL DISTRICTS

FINAL REPORT OF THE ASSEMBLY INTERIM COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

House Resolution No. 203, 1955

Published by the
ASSEMBLY
OF THE STATE OF CALIFORNIA

HON. L. H. LINCOLN
Speaker

HON. CHARLES J. CONRAD
Speaker pro Tempore

HON. RICHARD H. McCOLLISTER
Majority Floor Leader

HON. WILLIAM A. MUNNELL
Minority Floor Leader

ARTHUR A OHNIMUS
Chief Clerk of the Assembly

LETTER OF TRANSMITTAL

CALIFORNIA STATE LEGISLATURE
SACRAMENTO, CALIFORNIA, March 8, 1957

HON. L. H. LINCOLN
Speaker of the Assembly
State Capitol, Sacramento, California

DEAR MR. SPEAKER: Submitted herewith is the final report of the Interim Committee on Municipal and County Government on the subject of Special Districts.

The study was made as authorized in House Resolution No. 203 (1955) by the Subcommittee on Special Districts, a subcommittee of the whole interim committee.

This report contains the findings, conclusions, and recommendations as determined by the subcommittee from its studies.

In view of the problems yet unsolved in this field, it is urged, as the report indicates, that the study on California's special district problem be continued at the earliest date possible.

Respectfully submitted,

CLARK L. BRADLEY, Chairman
EUGENE G. NISBET, Vice Chairman
FRANK G. BONELLI
ERNEST R. GEDDES
SHERIDAN HEGLAND
SETH J. JOHNSON
HERBERT R. KLOCKSIEM
FRANK LANTERMAN
THOMAS J. MACBRIDE
ROY J. NIELSEN
EARL W. STANLEY
A. I. STEWART

REPORT ON SPECIAL DISTRICTS

This final report by the Subcommittee on Special Districts is made as authorized by House Resolution No. 203 (1955).

While said House Resolution No 203 authorized the Interim Committee on Municipal and County Government to continue the study in this field, it was the feeling of the committee that the subject matter warranted the establishment of a separate subcommittee. With this in mind, a subcommittee of the whole committee was established so that all members could participate in the deliberations.

As in its previous studies, conferences were held with the representatives of the League of California Cities and the County Supervisors' Association to determine the scope and direction of the study.

It should be noted at this point that the same parties conversed on the same problem at the commencement of the 1953 interim period. At that time it was decided that prior to any subjective study into special districts, as such, it would be necessary to have a legal breakdown of the then existing special district enabling acts.

This was requested of the Legislative Counsel and it resulted in the publishing of the booklet entitled "Analysis of California District Laws." The Analysis and addenda cover all district acts up to and including those created in 1956.

COMMITTEE POLICY RE STUDY

In commencing this study, the committee used the following policy as a guide for its deliberations:

1. The problem and the need for solution was admitted by all interested parties.
2. Solution of the problem would be unlikely without hearing from all possible interested agencies, groups and individuals, on the relative merits of each proposal, with leave to amend or point to any other possible solution.
3. The study should exclude school districts, improvement type districts, as such, and districts organized principally for the distribution, conservation, or control of water.

COMMITTEE HEARINGS

The committee held hearings in Los Angeles on October 31 and November 1 of 1955, and December 8, 1956.

The first hearing was very general in nature, with the question being, "What is the special district problem and its solution?" Testimony was requested and received from authorities familiar with the problem. (See Appendix A for participants.)

CONFERENCES

In addition to the above hearings, conferences were held at various times, covering many of the problems encountered in the study. To

those numerous individuals, officials and groups, who gave their time so freely and cooperatively at all times, the committee is indebted.

FINDINGS

1. It is conservatively estimated that California has between 5,000 and 6,000 districts of all types in existence at the present time.
2. There is no central state agency to which all districts are required to report, even as to their existence (formation, dissolution, or inactivity). Present statutory provisions do not even require that all districts report their existence on any level of government. An accurate count of all existing special districts is therefore impossible under present conditions.
3. Special district enabling acts are exceedingly numerous.
   a. There are 157 enabling acts now in existence in California, including water type districts. The General Session of 1955 and the Special Session of 1956 added 15 of these 157 acts.
   b. Excluding the water type districts, there are the following number of enabling acts for these general service fields:

Recreation	5
Fire and police	6
Harbor	6
Health and safety	18
Streets and highways	10

4. Many of the acts were found to be extremely confusing, and even barren, as to basic powers and procedures.
   Of the 57 enabling acts covering the fields of fire and police, harbor, health and safety, and streets and highways:
   a. No provision for annexation procedures is made in 25 of the acts.
   b. No provision for consolidation procedures is made in 41 of the acts.
   c. No provision for dissolution procedures is made in 33 of the districts.
5. There is a definite lack of planning and feasibility studies regarding the formation and consolidation of special districts.
6. Different districts, rendering different types of services (though often capable of rendering the same services) are pyramided geographically, one on top of the other, resulting in endless confusion to the taxpayer and officials alike. This pyramiding of districts, of course, results in innumerable tax code areas.
7. Efforts toward district consolidation, where legally possible, are lacking.
8. Withdrawal from a district on city annexation of part of the district's territory is often mandatory, resulting in endless confusion and gross inefficiency to both the district and the municipality.
9. Inactive districts are often carried on the county books because there is no statutory provision permitting dissolution.

CONCLUSIONS

The committee arrived at the following conclusions as the result of its studies:

1. Special districts are a necessary and essential part of California's governmental structure in that their use permits the rendition of special and needed services which cannot be, or are not performed by other governmental agencies. However, the number of existing districts and enabling acts far exceed that which is necessary or feasible from the standpoint of governmental economy, efficiency and simplicity.
2. There is an inexcusable lack of planning regarding the formation and consolidation of special districts. Districts are often formed where there is no need for a new district, where annexation to an existing district would better serve the interest of the public, or where use of a multipurpose type of district, or service area, would accomplish the purpose.
3. Efforts to consolidate districts, where present at all, have been ineffectual, unavailable, or lacking. This is most unfortunate, and also inexcusable, since areas requiring and receiving the same services can often operate much more efficiently where at least part of their functions are consolidated.
4. The problem is essentially local in nature, but the State as a whole is affected. Legislation, where necessary, will not in and of itself solve the problem. Use of the existing and proposed enabling acts by officials and individuals must be with the knowledge that the welfare of the whole region, and not just that of the proposed area, is at stake.
5. Complete cooperation between all levels of government and individuals is absolutely essential in combating the problem.

RECOMMENDATIONS

The committee makes the following recommendations:

1. Enact a nonuser of power statute, applicable to all districts, that would require automatic dissolution after a given period of inactivity.
2. Enact a uniform procedural act, applicable to all districts, which would control and specify procedures for annexation, withdrawal, consolidation, dissolution, and election practices.

   This uniformity should not be applicable to formation procedures since each service type has a different need.
3. Enact a general powers act, applicable to all districts, which will give to each district the basic and necessary powers needed for everyday operation.
4. Require *all* districts to report their financial transactions yearly to the auditor of the county, or counties, in which they are located, and to the State Controller.

5. Require *all* districts to notify the Secretary of State on their formation, annexation, withdrawal of territory, consolidation and dissolution.
6. Withdrawal of territory from a district, due to annexation of the territory to any city, should be optional and not mandatory for all districts.
7. Enabling acts in each service field should be consolidated into one act per service type.
8. Specifically, Articles 1, 2, 4 and 5 of Chapter 3, Division 5, of the Public Resources Code (four recreation type districts) should be repealed and consolidated into one Recreation and Park District Act.
9. The study should be continued at the earliest possible time so that the consolidation features as expressed in Recommendation 8 may be carried to other service type districts.

ACKNOWLEDGMENT

In conclusion, the committee wishes to express its sincere appreciation to the many individuals, organizations and governmental agencies, without whose patient help and cooperation it would have been impossible to make this study as culminated in this report.

Appendix A

MEETING OF THE SUBCOMMITTEE ON SPECIAL DISTRICTS

State Building, Los Angeles
October 31-November 1, 1955

The following people were in attendance:

State of California
Thomas J. Doyle, Assemblyman, 45th District, Los Angeles
Sterling S. Wimans, Director, State Recreation Commission

California Taxpayers Association
Frederick B. Gillette, Research Staff

County Supervisors Association of California
William R. MacDougall, General Manager

League of California Cities
Lewis Keller, Associate Counsel

League of Unincorporated Communities
Louis A. Gretz, Legislative Representative

City of Los Angeles
William Neal, Assistant City Attorney

County of Los Angeles
R. F. Flickwir, Deputy County Engineer
V. C. DeLapp, County Fire Department
Forrest N. Shumway, Deputy County Counsel
George W. Wakefield, Assistant County Counsel

Firefighters Association, Local 1014, Los Angeles
O. P. Castorina, Jr.
S. W. Howard
James C. LeMay
Fred C. Smith

Railroads
F. W. Converse, Pacific Electric and Southern Pacific
K. E. Herber, Pacific Electric and Southern Pacific
Robert B. Curtiss, Santa Fe
A. D. McLennan, Legislative Representative, Santa Fe
John H Gordon, Pacific Electric
LeRoy Lyon, California Railroad Association
J. E Umfried, Santa Fe

County of Sacramento
James H. Hastings, County Auditor and Controller

County of Santa Barbara
A. T. Eaves, Jr., County Auditor and Controller

Others
Ralph M. Bladgen, Sacramento Bee
Robert Ashton Gardiner, California Water Association
Dwight L. Hulse, Mayor, City of Arcadia
Walter Kaitz, California Real Estate Association
R. M. Ketcham, Vice President, Southern California Edison

T. F. Knight, Jr., California Manufacturers' Association
Ed Landels, California Bankers Association
Ad Long, Western Harness Racing Association
Mrs. Robert Lord, California League of Women Voters
Harold McGlynn, Pacific Telephone and Telegraph Company
Richard E. Tuttle, California Land Title Association
Frances Veeder, Lakewood Park, Recreation and Parkway District
Ernest A. Wilson, Kirkbride, Wilson, Harzfeld & Wallace, Attorneys, San Mateo
J. C. Youngberg, Municipal Financing Consultant, Stone and Youngberg, San Francisco

Appendix B

MEETING OF THE SUBCOMMITTEE ON SPECIAL DISTRICTS

State Building, Los Angeles

December 18, 1956

The following people were in attendance:

Arden Park Park, Recreation and Parkway District (Sacramento)
Jesse Fluharty, Executive Secretary

Ben Lomond Park, Recreation and Parkway District
Mrs Alice Earl Wilder, Secretary

Boulder Creek Park, Recreation and Parkway District
Mrs. Alice Earl Wilder, Director

California Railroad Association
LeRoy Lyon, Legislative Representative

California State Recreation Commission
Sterling S. Winans, Director

Greater Vallejo Recreation, Park and Parkway District
Keith A. Macdonald, Executive Director

Hayward Park, Recreation and Parkway District
Everet L. Gale, Superintendent

Lakewood Park, Recreation and Parkway District
Joseph C. Gill, District Counsel

Livermore Area Park, Recreation and Parkway District
C. S. Shelly, Superintendent

Los Angeles County Parks and Recreation Department
Norman Johnson, Director

Pleasant Hill Park, Recreation and Parkway District
Michael M. F. Kiely, Superintendent

Ravenswood Park, Recreation and Parkway District (San Mateo County)
Jack D. Farrell, Superintendent

Santa Barbara County
A. T Eaves, Jr., Auditor-Controller, Santa Barbara County, and Legislative Chairman, County Auditors' Association

Southeast Park, Recreation and Parkway District, Norwalk
Joseph C. Gill, Counsel

Yucaipa Valley Park, Recreation and Parkway District
George A. Leja, Director

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ASSEMBLY INTERIM COMMITTEE REPORTS
1955-1957
VOLUME 6 NUMBER 5

CITY AND COUNTY FUNCTIONAL CONSOLIDATION

CITY AND COUNTY RETIREMENT PROBLEMS

FINAL REPORT OF THE ASSEMBLY INTERIM COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

House Resolution No. 203, 1955

Published by the
ASSEMBLY
OF THE STATE OF CALIFORNIA

HON. L. H. LINCOLN
Speaker

HON. CHARLES J. CONRAD
Speaker pro Tempore

HON. RICHARD H. McCOLLISTER
Majority Floor Leader

HON. WILLIAM A. MUNNELL
Minority Floor Leader

ARTHUR A. OHNIMUS
Chief Clerk of the Assembly

LETTER OF TRANSMITTAL

HON. L. H. LINCOLN
Speaker of the Assembly
State Capitol, Sacramento, California

DEAR MR. SPEAKER: Submitted herewith is a report of the Interim Committee on Municipal and County Government on the subjects of City and County Functional Consolidation and Retirement Problems, as prepared by the subcommittees appointed to study those respective problems.

The study is authorized and made pursuant to House Resolution No. 203 (1955). This report represents the findings, conclusions, and recommendations as found by the respective subcommittees and acknowledged by my Committee on Municipal and County Government.

It is my recommendation that the study on City and County Functional Consolidation be continued at the earliest possible time.

Respectfully submitted,

CLARK L. BRADLEY, Chairman

SUBCOMMITTEE LETTER OF TRANSMITTAL

HONORABLE CLARK L. BRADLEY, Chairman
Assembly Interim Committee on Municipal and County Government
State Capitol, Sacramento 14, California

DEAR MR. BRADLEY: The Subcommittee on City and County Functional Consolidation herewith transmits its final report pursuant to your instructions as Chairman of the Interim Committee on Municipal and County Government, and in accordance with House Resolution No. 203 (1955).

This report contains the committee's findings, conclusions and recommendations on the subject matter, as well as the Report of the Subcommittee on City and County Retirement Problems. The subject matter was so intertwined that this procedure was deemed proper.

It is the recommendation of the subcommittee that this report be submitted to the Speaker and the Members of the Assembly, with the recommendation that the study on City and County Functional Consolidation be continued during the next interim period.

Respectfully submitted,

FRANK LANTERMAN, Chairman
FRANK BONELLI
SHERIDAN HEGLAND
SETH JOHNSON
CLARK L. BRADLEY, ex officio

SUBCOMMITTEE LETTER OF TRANSMITTAL

HONORABLE CLARK L. BRADLEY, *Chairman*
Assembly Interim Committee on Municipal
and County Government
State Capitol, Sacramento 14, California

DEAR MR. BRADLEY: Submitted herewith is the final report of the Subcommittee on City and County Retirement Problems from the study requested by you pursuant to House Resolution No. 203 (1955).

This report, for reasons of related subject matter and economy, is submitted as part of the report of the Subcommittee on City and County Functional Consolidation, and contains our findings, conclusions and recommendations.

It is the subcommittee's recommendation that this final report be submitted to the Speaker and the Members of the Assembly as a final report of the Committee on Municipal and County Government on this subject.

Respectfully submitted,

ERNEST R. GEDDES, *Chairman*
EUGENE G. NISBET
EARL W. STANLEY
ROY J. NIELSEN
CLARK L. BRADLEY, *ex officio*

INTRODUCTION

This report of the Subcommittees on City and County Functional Consolidation and City and County Retirement Problems is made as authorized under House Resolution No. 203 (1955)

With regard to the Subcommittee on City and County Functional Consolidation, the study and report is a continuation of the 1953-1955 interim study. The report, as the title indicates, is combined with that of the Subcommittee on Retirement Problems. This procedure was deemed proper in view of the fact that the problems studied by the Retirement Subcommittee were directly involved with some of the problems encountered by the Subcommittee on Functional Consolidation.

COMMITTEE PURPOSE AND POLICY USED FOR STUDY

The committee's purpose in making this study was to find the extent to which local governmental entities were cooperating in an effort to overcome duplication with regard to the rendition of local type services, and to seek out any problems being encountered which could be alleviated through state legislative means.

The term "functional consolidation" was chosen to cover the subject matter since it means simply the joining together of one unit of government with that of another unit of government on a functional basis only. The committee has emphasized throughout its study that it is concerned with the consolidation of individual services, such as health, tax collection and assessment, and libraries, on an administrative basis, and not on a political basis, and further limited to permissive rather than mandatory legislation.

In effect, the committee dealt with individual services of a local nature and the problems connected therewith.

HEARINGS

The Subcommittee on City and County Functional Consolidation held the following hearings during its studies:

Sacramento—December 8, 1955
Oakland—April 25, 1956
Los Angeles—June 25 and 26, 1956

The Subcommittee on City and County Retirement Problems held a hearing in Los Angeles on June 25, 1956, in conjunction with the Subcommittee on City and County Functional Consolidation.

At all these hearings, the committee requested and received testimony from representatives of city government, county government, special districts, property owners' groups, civic organizations, and interested individuals. These hearings were held only after there was advance conferences and programming with local officials and notification by letters and through the local newspapers and news services to all interested parties known to the committee.

ESTABLISHMENT OF ADVISORY COMMITTEE

Subsequent to the June, 1956, hearings in Los Angeles, it was deemed advisable, due to the public and official interest in the possibility of creating a county-wide fire service for the County of Los Angeles, to appoint an advisory committee to study that subject, and to report back to the subcommittee at the earliest possible date. At the date of this writing, no report from the advisory committee has been forthcoming but it is anticipated that such a report will be made in the not too distant future

The committee feels that the problems encountered in the recent disasterous Malibu fire in Los Angeles County point out only too clearly the necessity that some effort be made in studying the problem from all angles.

CONFERENCES

In addition to the hearings, numerous conferences were held by the committee with representatives of the League of California Cities, the County Supervisors' Association, special districts, taxpayers' groups, and interested individuals, to discuss the problems coming to light as a result of this study.

FINDINGS

The committee has made the following findings as a result of its study:

1. Functional consolidation is accomplished principally through intergovernmental agency contracts (Joint Powers Act), informal agreements, or special districts with broad jurisdictional coverage.

2. Based on a state-wide survey made by the County Supervisors' Association covering functions rendered by counties for cities, and cities for counties, it would appear that counties are rendering for cities services for cities at a rate of approximately 20 to 1 over that which the cities are rendering for counties.

With 42 counties of the State reporting in this survey, there were found to be 1,319 instances where one entity was rendering a service for another; for example, tax assessment work was covered in 186 instances, tax collections in 174 instances, various types of health services in 233 instances and library services in 89 instances. (See Appendix A for completed survey)

3. A committee survey covering all counties indicates the following services rendered by counties to all or part of the cities within their boundaries:

Weights and measures	44 counties
Assessment work	41 counties
Tax collection	38 counties
Basic health service	37 counties
City ordinance health service	15 counties
Library service	28 counties
Garbage disposal sites	16 counties
Pound service	14 counties
Park and recreation	9 counties
Fire service	5 counties
Building inspection	4 counties
Planning and zoning	4 counties
Personnel	3 counties

4. Cities were found to be providing services to counties, other cities, or to districts, at a much higher rate than expected. (See Appendix B or Los Angeles County Survey made by the League of California Cities.)

5. Cities and counties operating under the charter form of government were often found to be facing difficulties where the particular charter involved would not permit the mass inclusion due to the transfer of personnel from one governmental agency to another where a particular service was being proposed for consolidation The consolidation in such instances was of necessity delayed until the proper charter amendments could be proposed to and adopted by the electrorate.

6. Wherever the proposed consolidation affected a contracting agency of the State Retirement System and a county with a retirement system under the 1937 County Retirement Act, serious problems were encountered.

Were such a consolidation to take effect, the personnel affected would suffer an interruption in their retirement plan and would, in effect, be required to operate under the two system at a much lower terminal date for both; for example, a man working with City X for 10 years transfers to County A upon consolidation and works with County A for 20 years. If City X is a contracting agency with the State Retirement System, he is entitled to retirement from the State based on 10 years service, while his retirement with the county would be calculated at 20 years. Had he stayed with City X for the full 30 years, his retirement would be based on 30 years service, and it would not be split or affected by two pay scale calculations.

This problem is a serious stumbling block to any contemplated functional consolidation involving two such governmental agencies.

7. The consolidation of municipal health services with that of the county has in some jurisdictions, had a marked effect on the tax rate that the city taxpayer pays for his health services.

In Alameda County, where 10 of the 12 cities were receiving health services from the County of Alameda, it was estimated that should the proposed health consolidation between the City of Oakland and the County of Alameda go into effect, the County would be required to raise their county tax rate to provide that service for the City of Oakland by 8 cents per $100 of assessed valuation. The effect on the taxpayers of the City of Alameda, who were already paying approximately 17 cents per $100 of assessed valuation for their own city provided health services, was to increase their health service tax rate by 6 cents, making a total of 14 on the county tax rate and 17 on the city tax rate, with no additional benefit to them. By the same token, the City of Oakland in such a move would be permitted to drop their city health plan, along with the taxes necessary to carry that program, and pay only an additional 6 cents on the county tax rate.

CONCLUSIONS

The committee makes the following conclusions:

1. Generally speaking, little or no legislation is necessary to provide local jurisdictions with the means to effect any consolidation of functions they deem advisable.

2. Whatever legislation is necessary should be of a permissive nature only. The means for accomplishing any consolidation should be present but under no circumstances should it be of a mandatory nature.

3. In the opinion of the committee, functional consolidation provides a simple method whereby cities, counties, and districts are enabled to meet the challenges for new demands and conditions without a basic change in their governmental structure. Its range of use is so broad that it can cover any situation from that of a local nature to those covering the great metropolitan areas. The flexibility of the instrument is what makes it useful plus the fact that the essential governmental structure is preserved.

Its intelligent use is commended and encouraged as a means of greater efficiency, economy, and as a solution to problems that are area-wide in nature, or which would otherwise be a duplication.

RECOMMENDATIONS

The committee makes the following recommendations:

1. To facilitate the transfer of civil service employees from one governmental entity to another in any functional consolidation, the chartered cities and the counties involved must of necessity enact their own charter amendments to facilitate that transfer.

2. To overcome the problem arising due to retirement benefits, legislation should be enacted which would permit complete reciprocity between the State and its contracting agencies with the 1937 Retirement Act counties. This can be accomplished by permitting the use of the total accumulated time in service between the two or more agencies involved, with each governmental agency carrying its prorated portion of that retirement benefit.

The concept of reciprocity, as outlined above, was deemed to be much more practical than that encompassed in the proposed plan to transfer retirement funds from one agency to another upon the transfer of the individual.

3. County taxes for county health services should continue to be rendered on a county-wide basis.

Historically, health control is a state function which has been delegated to counties, with cities being privileged to render their own health services at the given state level or at a higher level if they so desire. Cities taking advantage of this privilege must pay not only for that immediate privilege but also the county tax, as well.

4. This study should be continued at the earliest possible date.

ACKNOWLEDGMENT

In conclusion, the committee wishes to express its sincere appreciation to the many individuals, organizations, and governmental agencies without whose patient help and cooperation it would have been impossible to make this study as culminated in this report, with special commendation to the Federated Fire Fighters of California for making available to this committee for publication their study of consolidation of the fire services within the County of Los Angeles. This is a significant contribution to the problems of metropolitan areas in respect to fire protection.

COUNTY SUPERVISORS ASSOCIATION OF CALIFORNIA
500 Elks Building, Sacramento, California

COUNTY-CITY FUNCTIONAL CONSOLIDATION IN CALIFORNIA

(As indicated by a survey conducted by the County Supervisors Association of California)

TYPE OF CONSOLIDATION AND NUMBER OF INSTANCES OF EACH TYPE IN EACH COUNTY RESPONDING

Counties	Total Number of instances in each county	Number of different types in each county	Assessing	Tax collecting	Public health services	Library services	Dog control	Election services	Prisoner care	Law enforcement communications	Ambulance service	Dumps	Road laboratory service	Street maintenance	Miscellaneous
Alameda	34	5	7	7	6	3									Prosecution 11
Alpine	No cities in county														
Amador	0	0													
Butte	16	7	2	2	4	3	2		1			2			--
Calaveras	2	2	1	1											--
Colusa	Not responding														
Contra Costa	32	6	3	3	11				1				11	3	--
Del Norte	Not responding														
El Dorado	4	4			1				1	1					Airports 1
Fresno	45	5	14	14	15										Planning 1
															Treasurer service 1
Glenn	Not responding														
Humboldt	3	3	1											1	Flood control 1
Imperial	Not responding														
Inyo	2	2	1	1											--
Kern	35	11	1	1	7	7	7		1					1	Civic centers 7
															Auditing 1
															Art gallery 1
															Criminal identif 1
Kings	Not responding														
Lake	5	5	1	1					1	1				1	--
Lassen	6	6	1	1	1	1			1						Police 1
Los Angeles	412	16	11	14	40	26	3	14	38	11	19	6		46	Bldg insp 6
															Lifeguards 7
															Personnel service 16
															Traffic signals 19
															Recreation 43
Madera	13	9		2	2	2	1		1	2		1			Airports 1
															Railroad crossings 1

Marin	11	3	1	1	9										--
Mariposa	No cities in county														
Mendocino	14	5	4	4	4		1							1	--
Merced	16	3	6		6				1						--
Modoc	Not responding														
Mono	Not responding														
Monterey	10	6	8	8	9	5	4			6					--
Napa	3	2			2		1								--
Nevada	Not responding														
Orange	44	5	11	11	15	6									Lifeguards	1
Placer	11	3	3	3	5										--
Plumas	6	6	1	1	1	1								1	Police hdq	1
Riverside	55	7	12	12	11	1		12		6					Orchard heating con enf	1
Sacramento	10	3			3		3					3			Underpass constr	1
San Benito	Not responding														
San Bernardino	76	9	9	9	8	5		10	10	10				5	Maps	10
San Diego	56	8	9	9	9	3		9		9		4			Personnel service	4
San Francisco	Fully consolidated—		Combined city and		county government										
San Joaquin	18	6	4	4					4						Criminal identif	4
															Airports	1
															Emerg 1st aid sta.	1
San Luis Obispo	8	4	1	1	4	2									--	
San Mateo	103	12	7	4	13	9	1	13	13	9	13	13		4	Airports	1
Santa Barbara	19	11	3	3	3	1				1	1	1		2	Office space	1
															Storm drains	1
															Airports	1
															Horseshow arena	1
Santa Clara	43	5	11	11	9					11					Bldg insp	1
Santa Cruz	8	5	2	1	3	1									Parks	1
Shasta	6	6			1	1		1					1		Civil defense	1
															Maps	1
Sierra	5	5	1	1	1									1	Law enforcement	1
Siskiyou	0	0													--	
Solano	31	6	4	3	7		6		5	6					--	
Sonoma	Not responding															
Stanislaus	51	10	3	3	6	7		7	7						Prosecution	7
															Criminal identif	7
															Maps	4
Sutter	12	7	1	1	2	2			2	2					Civil defense	2
Tehama	7	4										2		1	Playground impr	3
															Parking lot	1
Trinity	No cities in county															
Tulare	33	7	2	2	7	3					5			7	Street naming	7
Tuolumne	Not responding															
Ventura	32	7	6	4	6		6			6				2	Civil defense	2
Yolo	Not responding															
Yuba	5	4	1	1	2					1					--	
Totals	1,319		186	171	233	89	38	66	90	112	38	32	12	76		186

City	Ambulance	Beach service	Electricity	Fire service	Flood control	Health service	Jails	Legal service	Library
Arcadia									
Beverly Hills									
Covina									Co & OC
Culver City									
Glendale			OCS (a)		Co (a)		Co (c)		
Hawthorne									
Hermosa Beach		Co (c)	OC (a)						
Huntington Park									
Inglewood									
Lakewood									
Long Beach		Co (a)			Co (JPA)				
Los Angeles	Co (c)	Co (a)		Co (ar) (teletype) OCS (a) (tram)	Co (c)	Co (c) (Cardiac diagnostic) OJ (c) (Milk Insp)	Co (c) (juven) (c) (main of juven fac)	OCS (a) Co (c) (Coliseum Com)	OCS (a)
Lynwood									
Manhattan Beach									
Maywood							OC (c) (juveniles)		
Pasadena	Co (c)		OC (c)				OCS (ar) (women fac)		
Pomona							Co & OCS		
Santa Monica		Co (a)							
South Gate									Co (c)
Torrance									
Vernon									
Whittier									

City	Personnel	Police services	Pound	Recreation services	Rental of city hall	Special equipment	Street		
							Lighting	Sweeping	Maintenance
Arcadia									
Beverly Hills									
Covina		OC			Co (ar) (Assessor & Reg of Vote)				
Culver City									
Glendale									
Hawthorne								OC (a)	Co (a)
Hermosa Beach		OCS (a)				OC (a)			
Huntington Park					Co (c) (Traffic hearing room, court, health & library)				Co (a)
Inglewood									OCS (a)
Lakewood					Co (Assessor & pound)				
Long Beach		Co (a)	OC (c)						
Los Angeles	OJ (a)	Co (ar) (teletype) OCS (a) (train & test of personnel) OJ (a) (warrants served, etc Scientific Invest Div. service)							OJ (a) OCS (a) (sell bituminous mix) Co & OCS (c) (Traffic study) Co & OCS (a) (Street signs)
Lynwood						OC (ar) (Loan or rental)	Co. (ar)		Co & OCS (c)
Manhattan Beach					Co (ar) (Assessor)				

Maywood		OC (ar)							
Pasadena		OC (c) (radio) OCS (ar) (pistol range)		Co (c)					
Pomona		OCS (radio maintenance)			Co (ar) (Assessor)				
Santa Monica		Co & OC (ar)							
South Gate				Los Angeles City Board of Education (c)	Co (ar)				
Torrance									
Vernon									
Whittier					Co (c)				

City	Sewer service	Traffic signals	Water service	Miscellaneous
Arcadia	OCS (a)		OC (a)	
Beverly Hills	OC		Co & OC	
Covina			OC	
Culver City			OC (c)	
Glendale		OC (c) (Main)		Co (a) Utility relocation
Hawthorne				
Hermosa Beach	OCS (c)			
Huntington Park		OC (a) (Main & power)		
Inglewood				
Lakewood				
Long Beach	Co & OC (c)	Co & OCS (c)		
Los Angeles	OJ (c)	Co & OCS (a) (Installs, maintains)		Co (ar) Collects from failure to provide cases, assists in collecting fines and forfeitures, prosecutes smog violators. Co & OCS (JPA) (acquires property) Co (a) custodial services OJ (a) Bureau of standards tests fire hose, traffic paint, etc Co (a) Checks storm drain plans (for interference with electroher system) Inspects work affecting lighting system of Los Angeles City
Lynwood	Co & OC (ar)	OCS (a) (Main)	Co & OC (ar)	
Manhattan Beach	OJ (c)			
Maywood		Co (a) (Main)		
Pasadena	OJ (c)		OJ (c)	OJ (c) Pumping plant area Co & OCS (ar) incinerator and noncombustible dump
Pomona			OJ (JPA)	Co (c) Janitorial service for county health building
Santa Monica	OC (c)			Co (c) Maintain courthouse grounds

South Gate				OC (ar) Board of education uses park for driver training; also parking
Torrance	Co & OCS		Co & OCS	
Vernon		OCS (c) (Install & maintain)		
Whittier				Co In development of civic center, purchased several lots for Co., which were then repurchased by them

KEY

(a) —agreement
(c) —contract
(ar) —administrative regulation
(JPA)—joint power act

Co —county
OC —other city
OCS—other cities
OJ —other jurisdictions, including districts, cities or counties.

Prepared by_____ June 25, 1958

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STUDY OF CONSOLIDATION OF THE FIRE SERVICES WITHIN THE COUNTY OF LOS ANGELES

Submitted to

THE ASSEMBLY SUBCOMMITTEE ON FUNCTIONAL CONSOLIDATION

Compiled by

FEDERATED FIRE FIGHTERS OF CALIFORNIA
Los Angeles, California

December 10, 1956

LETTER OF TRANSMITTAL

FEDERATED FIRE FIGHTERS OF CALIFORNIA

AFFILIATED WITH

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
CALIFORNIA STATE FEDERATION OF LABOR
CALIFORNIA FEDERATION OF CIVIL SERVICE ASSOCIATION
PUBLIC EMPLOYEES CONFERENCE

December 10, 1956

Subcommittee on Functional Consolidation
of the Assembly Interim Committee on
Municipal and County Government
Sacramento, California

DEAR SIRS: We are presenting herewith our study relative to the need for and feasibility of functional consolidation of the fire protection services within Los Angeles County.

This study was conducted by the Federated Fire Fighters of California. The study was restricted to a consideration of fire protection in Los Angeles County only because that seemed to be the area most in need of a serious re-evaluation of the present structure. This is the result of the tremendous growth which has taken place in the Los Angeles metropolitan area during the past 30 years. It may well be that there are other metropolitan areas located within the State of California where such a re-evaluation would be advisable and where consideration of the question of functional consolidation may also be warranted.

In conducting this exhaustive study, we have endeavored to present all pertinent data available in a factual and impartial manner. In presenting our findings, we would like to assure your subcommittee that it is not our desire to depreciate any existing fire department organization within this county or its facilities

It is our sincere hope that this study will prove of value to your subcommittee in its consideration of the question of functional consolidation of the fire protection services within Los Angeles County.

Sincerely yours,

FEDERATED FIRE FIGHTERS
OF CALIFORNIA

(Signed) ALBERT E. ALBERTONI
President

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INTRODUCTION

In presenting this study, the Federated Fire Fighters of California would like to state that an enormous amount of data have been collected which we believe is pertinent to the question of the need for functional consolidation of the fire protection services within Los Angeles County. Even though this study represents a relatively large presentation, further details are available, particularly with regard to Chapters II and IV. We will be glad to furnish this detailed information upon request of your subcommittee.

Secondly, we desire to express our appreciation to the various city officials and fire department officials throughout the county who have been most cooperative in furnishing data to assist us in making this study. We also want to express the same sincere appreciation to the Board of Fire Underwriters of the Pacific and the Pacific Fire Rating Bureau for their excellent cooperation.

To those members of the Federated Fire Fighters of California who have given so generously of their time to make this study possible, we express our deepest gratitude. This includes the committee of 25 members responsible for the survey resulting in Section B of Chapter II, which presents the data relative to costs of fire protection within Los Angeles County.

Finally, a special note of gratitude is due Milton R. Farrell, a member of the Federated Fire Fighters of California, for making available to us a considerable amount of material he had already collected for the purpose of preparing his master's thesis, which is due to be presented to the University of Southern California for approval in the near future.

CHAPTER I

LOS ANGELES COUNTY: ITS GROWTH AND NATURE OF ITS FIRE PROTECTION

Before the current problems of fire protection in the Los Angeles metropolitan area are enumerated, a brief review of the origin and development of these problems may be helpful. Basically, of course, the need for a re-evaluation of fire protection in Los Angeles County is due to the rapid transition of the many "isolated" cities into a huge metropolitan area, and the "new look" of these cities due to this rapid expansion. Los Angeles County contains almost the entire metropolitan area within its jurisdictional boundaries; therefore, the following section of this report is devoted to the historical growth of the area.

A. THE GROWTH OF LOS ANGELES COUNTY

The county has had a phenomenal population growth. In 1850, the region contained 3,530 persons. By 1910, the population had increased to 504,131, and 40 years later in 1950 it had increased 700 percent to a total of 4,125,164. Table I shows this rapid rate of growth.

Los Angeles County is now the third largest metropolitan area in the United States. Here will be found 49 municipalities of varying size and population, 14 thickly populated unincorporated areas, including East Los Angeles, that have well over 100,000 population, and over 30 "islands" of considerable area and population, entirely surrounded by incorporated territory.

TABLE I

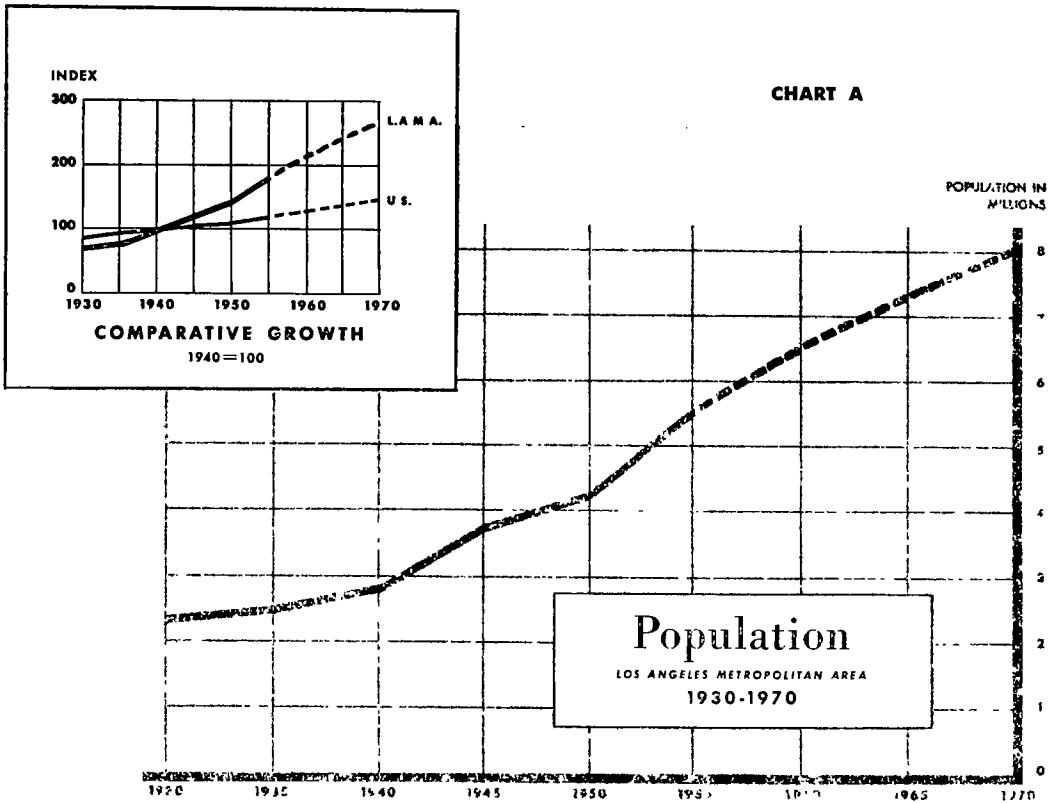
POPULATION GROWTH IN LOS ANGELES CITY AND LOS ANGELES COUNTY

Year	Los Angeles City	Los Angeles County
1781	44	
1790	139	
1800	315	
1810	365	
1820	730	
1830	1,240	
1840	1,800	
1850	2,200	3,530
1860*	4,385	11,333
1870	5,728	15,309
1880	11,183	33,381
1890	50,395	101,454
1900	102,479	170,298
1910	319,198	504,131
1920	576,673	936,455
1930	1,238,048	2,208,492
1940	1,504,277	2,916,403
1950	1,954,692	4,125,164
1956	2,220,823	5,225,320

* First official United States Census

SOURCE: Bigger and Kitchen, "How the Cities Grew" (Los Angeles Bureau of Government Research, U. C. L. A. 1952) 1956 population from Los Angeles County Regional Planning Commission

CHART A



SOURCES U. S. Population, U. S. Bureau of the Census
Population of the Los Angeles Metropolitan Area 1930-1955 California Taxpayers' Association 1956-1970 SCRC

At present, the county's population is growing at the rate of over 16,000 persons per month and there seems to be little doubt that the trend of population increase will continue for many years Studies of immigration to the area, as well as birth over death rate factors, indicate that the county should grow to a total of 7,000,000 population by 1963 (See Chart A, page 8.)

B. THE CITIES IN LOS ANGELES COUNTY

The great changes that have taken place in the little communities that incorporated in Los Angeles County long ago are well known. Until recent years, the county was composed of many communities set apart by large rural areas. This situation has changed quite radically. At present, there are few or no rural areas separating communities, so that it is now difficult to tell where one community ends and the other begins. Los Angeles City has grown to the third largest city in population, and the largest in terms of area (453.3 square miles) in the United States. Four cities have grown to over 100,000 population (Los Angeles, Long Beach, Pasadena and Glendale)[1] and eight have between 50,000 and 100,000 population (Alhambra, Burbank, Compton, Inglewood, Lakewood, Santa Monica, Torrance and South Gate).[1] Of the 49 cities, only three contain less than 2,000 persons.

C. ANNEXATIONS

The important factor affecting present day fire protection is the expansion pattern of the cities. Continual annexations by the cities suffering from growing pains through the years, have left many cities with extremely awkward boundary lines. Quite often cities have vied between themselves as to which city would gain a lucrative section of unincorporated territory, resulting in "strip" annexation, etc.—thus the extremely odd shape of many cities in the county.

Only the Cities of Avalon, Hermosa Beach, Palos Verdes Estates, Sierra Madre, and South Pasadena have had no annexations up to the present time As of 1951, cities with numerous annexations were Los Angeles (116), Long Beach (91), Whittier (81), Compton (74), El Monte (58), Pasadena (53), and Glendale (36).[2] There have been many additional annexations during the past five years and the details can be furnished if desired There were 143 separate annexations to 27 of the 46 incorporated cities during the 1955 calendar years.[2] By February 1, 1956, the total area within cities amounted to 794.594 square miles, an increase of 50 666 square miles since April, 1950. This was accomplished through 574 annexations in addition to the incorporation of the cities of Lakewood and Baldwin Park.[3]

Normal annexation is the only way for the healthy city to expand However, far too often annexations in Los Angeles County have been carried out with very little thought toward planning, or giving adequate service to the newly annexed areas. The county has now de-

[1] SOURCE 1956 Population from Roster of Federal, State, County and City Officials of the State of California, 1956, Compiled by Frank M Jordan, Secretary of State, in cooperation with League of California Cities
[2] Bigger and Kitchen *op cit* p 225
[3] Los Angeles County Regional Planning Commission

CITY OF
EL MONTE
CITY OF
GLENDORA
CITY OF
COVINA
CITY OF
MONROVIA
Scale: 1" = 1 mile

CHART B

veloped to a point where there are very few uninhabited areas. On the other hand, people in many well-populated unincorporated communities are quite often satisfied with the type of service rendered by the county, and do not desire to annex to any city. This has stopped expansion in many areas, and caused some of the overly-anxious-to-grow cities to spread out in all directions, with little hope of correcting the situation. Chart B (page 10) shows the shape of four cities in Los Angeles County. It can be seen at a glance that adequate fire protection on an economical basis is quite difficult to give for both the city and the surrounding area.

D. INCORPORATION

The rapid growth, together with a combination of other factors including the new city sales tax revenue advantage, has recently started a trend toward incorporations. At present, approximately 26 communities in the county are starting incorporation proceedings. The Cities of Lakewood, Baldwin Park, Dairy Valley, and La Puente just recently incorporated.

There is good reason to believe that this trend toward incorporation could very well confuse the picture even more. Further, incorporation may hinder rather than help the over-all metropolitan problem. Each added unit of government makes the task of coordinating and consolidating that much more difficult. Incorporation in the long run, then, may cause more headaches than it relieves.[4] So far, fire protection has not been affected by incorporations, since the four recently incorporated cities have continued to subscribe to the facilities of the Los Angeles County Consolidated Fire Protection District, however, if a trend should start in future incorporations toward establishment of more city fire departments, the metropolitan fire protection picture would become increasingly clouded.

E. FIRE DEPARTMENTS IN LOS ANGELES COUNTY

There are a total of 46 fire departments operating in the metropolitan area of the County of Los Angeles. Two of these departments are about as large as the other 44 put together. In all the cities and the county fire department, there are over 5,500 uniformed fire fighters.

Los Angeles City. The Los Angeles City Fire Department is one of the largest fire departments in the United States It employs approximately 2,700 men. There are 84 fire stations scattered throughout the 453 square miles that comprise the City of Los Angeles. The department is rated by the National Board of Fire Underwriters in Class 1, which is the highest rating that can be accorded a fire department.[5] Only three other fire departments, those of Detroit, Milwaukee, and Washington, D. C., enjoy this rating. Many of the smaller departments throughout this area are patterned after the central city due to this excellent national recognition.

[4] *Governmental Organization in Metropolitan Areas*, Betty Tableman, Bureau of Government Institute of Public Administration, University of Michigan, 1951, p 17

[5] *Governmental Organization in Metropolitan Areas*, Betty Tableman, Bureau of Government Institute of Public Administration, University of Michigan, 1951, p 17.

Los Angeles County Fire Department. The Los Angeles County Fire Department is composed of six fire protection districts, and the activities of the County Forester and Fire Warden Department. It is the second largest fire department in Los Angeles County, with approximately 1,000 fire fighters and 93 stations, serving 1,300,000 population. The major district within the department is the Consolidated Fire Protection District, which protects the major portion of the unincorporated county area and serves 1,080,000 people The entire department has grown tremendously from its meager beginning in 1923 to the third largest department west of Chicago.

The Los Angeles County Fire Department has two major functions:

1. The protection of the watershed area, which is financed by a separate general county tax, and
2. The protection of the rest of the unincorporated county areas by the six fire protection districts, which are financed by a special district fire tax.

The county fire department protects an area of some 2,300 square miles, including some of the largest manufacturing districts in Southern California. Over $500,000,000 worth of industry buildings were erected in one year, 1954, in one section of the county. It is a difficult administrative task to operate this fire department since it covers an area which is considerably greater than the States of Delaware and Rhode Island— an area that is quite cut up due to the 49 cities, 46 of which have their own fire departments.

The four cities that are included within the Consolidated Fire Protection District have just recently incorporated. One of these, Lakewood, has a population of over 70,000 people. Besides protecting these many populous areas, with their many thousands of homes and businesses, the county fire department is still responsible for the protection of the forested and brush covered areas of Los Angeles County. This is, in itself, a major task and quite important since fire damage to the watershed areas is one of the greatest natural hazards in Southern California.

The Board of Fire Underwriters of the Pacific has given many of the unincorporated areas a very high rating. Lakewood, Downey, and Altadena have all been given a Class 2 fire department grade. Only one of the incorporated cities in Los Angeles County has been given this low grading, besides the Los Angeles City Fire Department, and that is Pasadena.

Other Municipal Fire Departments. Besides the Los Angeles City and Los Angeles County Fire Departments, there are 44 other municipal fire departments. The other cities each operate from one to seventeen stations, and they vary in manpower from a part-time chief in Sierra Madre, to almost 350 fire fighters in Long Beach. Twenty cities, or almost 50 percent, have but one fire station. Seven others have two, and eight more have but three. Many of the smaller cities are in the process of expanding their fire departments to keep pace with the growth factor, and of course, this will soon change the picture.

Long Beach is the third largest fire department in the county, and next largest are Pasadena and Glendale, with between 100 and 150 men each. Other large departments are found in Santa Monica, Alhambra, Burbank, Culver City, Pomona, South Gate, Torrance, Beverly Hills and Vernon; they each have between 50 and 100 men. All the other city departments have fewer than 50 employees.[6] (See Table II.)

Manpower according to classification is attached hereto as Appendix "A."

For the most part, the small cities in this area are doing a good job on first alarm fires, and many of them have excellent fire departments. It will be pointed out in Chapter IV, however, that consolidation would greatly improve the plight of the smaller cities in control of second and third alarm fires (or when more than one fire occurs at the same time) rather than first alarm fires. Manpower and equipment is not available in a small city for this type fire, and successful coordination is often difficult when mutual aid is called upon to supplement their own forces.

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[6] Los Angeles County, *Manpower and Fire Equipment Inventory for Region 9 and Cities Within a 50-mile Radius of the Los Angeles Civic Center* (Los Angeles, Los Angeles County Fire Department, 1956), pp. 34-45.

TABLE II

NUMBER OF FIRE STATIONS AND MANPOWER FOR EACH FIRE DEPARTMENT IN THE COUNTY OF LOS ANGELES

JUNE 9, 1956

Cities	Uniformed fire department employees*	Number of fire stations	Proposed stations
Alhambra	64	4	
Arcadia	40	3	
Avalon	3	1	
Azusa	8	1	
Bell	13	1	
Beverly Hills	74	3	1
Burbank	92	5	1
Claremont	6	1	
Compton	48	3	
Covina	13	1	2
Culver City	52	2	1
El Monte	15	1	1
El Segundo	15	1	
Gardena	23	1	1
Glendale	128	8	
Glendora	6	1	
Hawthorne	22	1	2
Hermosa Beach	1 V	1	
Huntington Park	46	3	
Inglewood	58	3	1
La Verne	1 V	1	
Long Beach	340	17	4
Los Angeles	2,681	84	26
Los Angeles County	938	93	9
Lynwood	21	2	
Manhattan Beach	23	1	
Maywood	11	1	
Monrovia	26	1	
Montebello	32	3	
Monterey Park	25	2	1
Palos Verdes Estates	1 V	1	
Pasadena	147	9	1
Pomona	63	4	
Redondo Beach	38	2	
San Fernando	16	2	
San Gabriel	25	2	
San Marino	22	1	
Santa Monica	86	5	
Sierra Madre	1 V	1	
Signal Hill	14	1	
South Gate	52	3	
South Pasadena	21	1	
Torrance	57	4	
Vernon	68	2	
West Covina	22	2	
Whittier	46	3	
Totals	5,504	293	51

* Excludes non-fire-fighting personnel
V—Denotes volunteer fire department
SOURCE. Survey conducted by Federal Fire Fighters of California

CHAPTER II

FIRE PROTECTION IN LOS ANGELES COUNTY TODAY

A. INTERMUNICIPAL FIRE PROTECTION

It is imperative that the cities in the Los Angeles metropolitan area cooperate in the matter of fire protection. It is a commonly accepted fact that small cities are unable to effectively combat a fire that calls for a large quantity of equipment—they must often depend on their neighbors for help. This help, in most cases in the county, is given freely, if available. A check of the annual reports of the two largest fire departments in the county shows that in one year they responded to approximately 460 alarms outside their city limits or jurisdiction.[1]

The problem then arises as to the legality of leaving one's city or jurisdiction to help another city. How should the fireman's pay and pension be handled in case of injury, and what is the position of the municipality in case of liability or property damage suits against it resulting from injury or damage while apparatus is outside the city?

1. **Boundary Line Fires.** Almost every fire chief has authority to fight boundary line fires. Probably the bulk of fire department agreements and understandings in this area deal with boundary line situations, and nearly every city has an established procedure regarding them.[2]

Many cities and districts have established, by agreement, initial action zones in regard to this type of fire. If a fire occurs inside this zone, even though it is several blocks inside the other city, both departments will respond to the fire, if possible. Initial action will start on the fire and be continued until the other department arrives, or until the fire is extinguished. There are also many special hazard agreements for target areas such as schools, industrial plants, watershed areas, and refineries that lie on or near boundary lines.[3]

Aid may be legally given in the case of boundary line fires because a fire close to the boundary, or within a few blocks of the boundary, could conceivably threaten the home jurisdiction. Any fire at or near a boundary is a menace which must be suppressed.[4]

[1] Los Angeles City and Los Angeles County, *Annual Reports* (Los Angeles, June 30, 1952).
[2] James R. Donoghue, *Intergovernmental Cooperation in the Los Angeles Area* (Los Angeles, Bureau of Governmental Research, U. C., 1943), p. 90.
[3] James Trump and Morton Kroll, *County Administered Fire Protection; a Case Study in Metropolitan Area* (Los Angeles, Bureau of Governmental Research, U. C. L. A., 1951), p. 73.
[4] *Loc. cit.*

2. **Large Fires.** A large fire, i e , one that cannot be suppressed by one or two pieces of equipment, is usually cause for inter-municipal cooperation Of course, large fires do occur quite frequently in a large metropolitan area such as Los Angeles County. Several houses, a lumber yard, factory, hotel, as well as numerous other hazardous occupancies, when on fire could be cause for a call for help from an adjacent municipality.

During the past few years, many fires have occurred in the brush and forested areas. This affects every resident in the county due to the loss of watershed. Heavy rains run off burned hillsides without appreciably soaking in. This results in loss of water supply, and causes destructive and sometimes disastrous floods.

There were two very serious fires in the Angeles National Forest area during 1953 and 1954. The most destructive of the two was the Monrovia Peak and Barret Canyon forest fire. This fire started December 27, 1953, and was not controlled until January 3, 1954. Fifty-mile-per-hour winds drove fire to the summit of Mount Wilson, the Camp Baldy area, and through the lower foothills and canyons above the communities of Arcadia, Sierra, Madre, Pasadena, and Monrovia. It covered 14,135 acres, and the perimeter of the fire was 36 miles. There were eleven hundred fire fighters, 61 units of pumping equipment, and 16 bulldozers working on the fire lines. Damage to the watershed was estimated at $7,000,000, not including 36 homes destroyed.

During this fire, the cities of Los Angeles, Pasadena, Glendale, Sierra Madre, South Pasadena, and Arcadia helped by sending equipment or manpower, as well as the Counties of Los Angeles, Ventura, and Kern. The State Forest Service, the State Civil Defense Fire Service, and the United States Forest Service in California, Arizona, and New Mexico also sent help.[5] Due to population increase and infringement of dwellings in watershed areas, this type of fire is becoming more common.

It is not always the forest or brush fire that requires large numbers of men and equipment. For example, the two large, destructive fires at Warner Brothers Film Studios, several years ago, required the same type of cooperation between cities. Cooperation on large fires has been excellent in the Los Angeles metropolitan area. However, coordination has been extremely difficult to achieve due to differences between departments in communications, training, equipment, etc.

3. **Major Disasters.** The term major disaster, to the fire service, usually means a conflagration that would cause considerable loss of life and/or property. "Except in very large cities it is *impossible* to maintain a fire department large enough to control even a minor conflagration unaided."[6] Plans have to be made for outside aid in case of disaster.

There are about 650,000 fires in the United States every year, causing about 10,000 people to lose their lives, but few of them reach the conflagration stage. Recently in the United States and Canada, the number of fires with a loss exceeding a quarter of a million dollars has been be-

[5] Los Angeles County Fire Department, *Straight Streams* (Los Angeles, January-February, 1954)

[6] Everett U Crosby, Henry A Fiske, and H Walter Forster, *N F P A Handbook of Fire Protection* 10th edition (Boston, N F P A , 1948), p 1203

tween 202 (in 1947) and 302 (in 1951), but the number of conflagration has averaged less than three per year. In the 50 years since 1900, there have been 133 conflagrations, taking 1,274 lives, 40,000 buildings, and property valued at $785,000,000 in the United States and Canada.[7]

Disasters can happen at any time and place. There are many examples of disasters: The Texas City Disaster, where 600 people lost their lives, started from explosions of simple nitrate fertilizers on board a ship in the harbor; the Chicago Stockyards conflagration resulted in a loss of $4,000,000, and burned over 42 blocks; and one of the most recent, the fire that started when a high-tension wire blew down in a stiff wind, May, 1950, in Rimouski, Quebec, causing over 2,500 people to lose their homes.[8]

The latest threat to the United States, and to the county area, is the possibility of another war, coupled with the presence of the atomic and hydrogen bombs. During World War II, Great Britain found how necessary it was to have coordinated fire agencies to take care of fires started by bombs. They had to reorganize their fire brigades (similar to our city fire departments) into county operated fire departments, controlled by the state.[9]

The Los Angeles County Fire Department employs a plan to integrate the fire service with the other disaster services of the Los Angeles County Disaster Relief Authority. It is called "Operational Plan for the Disaster Fire Service".[10] In carrying out this plan, the county has entered into agreements with 34 cities within the county for mutual aid. The agreement is a signed contract, and covers both normal and emergency disaster conditions.[11]

The plan lists the quantity and types of equipment that each city signed up for mutual aid will commit, if available, for the county to use in time of disaster, and also the equipment the county will commit, if available, to send to each of the cities. A radio monitoring plan is also outlined.

4 **Formal and Informal Agreements.** Cooperation in fire protection in this area has taken place in two principle ways. The first of these is largely formal; the conditions and circumstances of cooperation are set down in writing, either in a contract or agreement, or in letters exchanged by the cooperating parties. The second is by informal means; the conditions and circumstances are affected by verbal agreements or understandings among fire department officials. These agreements, therefore, vary from specific terms to informal gentlemen's understandings that the departments will aid one another in case of need. Cities in Los Angeles County have relied mainly on the verbal agreement for intermunicipal aid. Larger departments contend that existence of contracts for aid would cause the adjacent smaller jurisdictions

[7] Charles Bahme, *Handbook of Disaster Control* (Los Angeles, 1952).
[8] Paul W. Kearney, *Disaster on Your Doorstep* (New York, Harper & Brothers, 1953), pp. 1, 6 and 36.
[9] International Association of Fire Chiefs, "Address by Chief A. H. Johnstone, Surrey, England," *Proceedings of the 80th Annual Conference* (Arlington, I. A. F. C., Sept. 15-18, 1953), pp. 118-125.
[10] Los Angeles County Fire Department, *Operational Plan for the Disaster Fire Service* (Los Angeles, 1952).
[11] *Ibid.*, p. 3.

to rely on their big neighbors and skimp on their own service. Indications are that this is being done in many cases whether there is a contract or not.[12]

Many cities have verbal agreements between themselves for assistance in case of need, or "standby service." For example, the three beach cities, Hermosa, Manhattan, and Redondo have a verbal working agreement between themselves and Torrance. Manhattan and the county have a verbal "stand-by" service agreement.[13]

Many contracts have been made between Los Angeles County and the State Division of Forestry for counties bordering on Los Angeles; the State has fire-fighting jurisdiction in Kern, Orange, and San Bernardino Counties. Contracts have also been made with Ventura County, and the Federal Forest Service. Many of the cities also have written contracts with each other for boundry line fires.[14]

5. **Mutual Aid.** In 1940, military events brought about a meeting of the fire chiefs in Los Angeles that resulted in a new piece of legislation that authorized cooperation among local governmental fire departments. This bill was put through by the League of California Cities. It is the Mutual Aid Act.[15]

The act states that aid can be given in the event of military attack or sabotage, or for the provision of adequate national defense, or upon occasion of " * * * great public calamity such as extraordinary fire, flood, storm, or earthquake therewith, by an agency with respect thereto, whether within or without the territorial limits of such agency * * * "[16] shall be deemed for the direct benefit of the people of the city. These outside services have to be ordered by the chief administrative officer of the agency furnishing services, unless otherwise provided by the governing body of the jurisdiction. All the privileges and immunities which apply within the agency's jurisdiction apply to the same degree.[17]

Prior to the act, outside aid was completely valid if: (1) such assistance were necessary to protect the city itself; (2) such assistance were rendered under a valid contract (and contracts have had only a limited use in this area).

It was thought at the time, by the fire service, that this new piece of legislation was going to be the answer to many of the problems of legality in responding to intermunicipal fires However, by now it has become apparent that the Mutual Aid Act solves but few of the problems the cities had before.[18] According to the way the act is written, the fire must be extraordinary in nature, and in many cases the question could be brought up as to whether a particular fire was actually extraordinary or not. Also, in small cities, the person responsible for ordering the help to be sent might turn out to be a city manager who

[12] James R. Donoghue, *Intergovernmental Cooperation in the Los Angeles Area* (Los Angeles, Bureau of Governmental Research, U. C., 1943), p 73
[13] James Trump, James R. Donoghue, and Morton Kroll, *Metropolitan Los Angeles, VI. Fire Protection* (Los Angeles, Haynes Foundation, 1952), p 151
[14] *Ibid.*, p. 140
[15] Deering, *California General Laws*, 1949, v. 3, chap 81 (San Francisco, Deering, 1954), p 591.
[16] *Loc cit.*
[17] *Loc. cit.*
[18] James Trump, James R Donoghue, and Morton Kroll, *Metropolitan Los Angeles, VI Fire Protection* (Los Angeles, Haynes Foundation, 1952), p 135

could be hard to find even in case of an emergency. In the county fire department, dispatchers are delegated the right to send the first complement of equipment, but then the dispatcher must contact the chief engineer to receive permission to send additional equipment that might be needed. Some of the other large departments undoubtedly use a similar system.

Several writers in the field seem to think there are limitations to the act regarding ordinary responses. For example:

> "It is thus seen that the Mutual Aid Act adequately handles emergency or extraordinary conditions * * * it does not put upon an entirely legal basis the normal exchanges of aid which cities are wont to make one another. * * * "[19]

At the present time, generally no changes are made for extraterritorial service; the exception to this is that the State Division of Forestry, the National Forest Service, and the County of Los Angeles bill one another for any personnel overtime that might occur on such fires. These agencies make no charge for the use of on-duty personnel, or equipment used.

Mutual aid is often used as an argument against functional consolidation of the fire services, but in the opinion of this association, it is not a valid argument for the following reasons:

1. Mutual aid can only be sent if it is available. Many smaller cities have only one or two companies, causing one way mutual aid to them with little or no reciprocation.
2. Unless it is a large city, it cannot spare companies for mutual aid without critically weakening its fire defense. Often, mutual aid is needed during a period of high wind and extremely bad fire weather, when all agencies are faced with great danger. At that time, the larger agencies can provide mutual aid best by strategic coverage of their areas.
3. Mutual aid has been and is being used as a device by some cities to avoid bringing their fire protection up to an acceptable standard.
4. Mutual aid is usually not immediate. Often, all the fire resources of the involved agency are first utilized and, if still ineffectual, mutual aid is requested through the proper channels. Even though it is then promptly sent, this process might have already involved a critical delay. Mutual aid cannot operate as effectively as functional consolidation.

B. PRESENT COST OF FIRE PROTECTION IN LOS ANGELES COUNTY

During the past several years, numerous statements have been made and certain incomplete data published which would indicate that the larger fire departments located in Los Angeles County cost proportionately more to operate than the smaller departments. Some attempt has been made to demonstrate that this is true both on a per capita comparison basis and on a tax rate per $100 per assessed valuation basis. As a result, some believe that a consolidated metropolitan fire department would be too costly.

[19] *Loc. cit.*

Aside from the fallacies inherent in the statistical data presented to support this theory, the rationale accompanying the data involves implications to the effect that the larger departments being in larger communities: (1) have more funds at their disposal; (2) do not have to be as "economy" conscious as the smaller departments in smaller communities; (3) budget expenditures for unnecessary "luxury" items; and (4) because of their "bigness" are not as responsive to the needs and desires of the citizens of the community, particularly with regard to tax-rate setting.

The recent survey conducted by the Federated Fire Fighters of California demonstrate that these beliefs are simply not borne out by the facts.

As to the fallicies inherent in the statistical information brought forth in an attempt to fortify this position, at least three major factors are usually ignored completely—factors which have a substantial bearing on this subject. We are referring to the fact that—

(1) Nearly all municipal fire departments incur substantial expenses, proportionately different in each case, not reflected in the respective fire department budgets. This factor will be considered in some detail subsequently in this section.

(2) Several of the smaller fire departments tend to rely on the larger departments, such as the Los Angeles City and Los Angeles County, to assist them with their fire protection. Such departments often maintain a minimum of manpower and equipment on hand, knowing they can request assistance when they are unable to cope with a fire. This naturally keeps their fire protection costs at artificially low levels. However, the added cost burden is placed on the larger departments and the added tax burden on the citizens supporting their operation. During the 1954-55 Fiscal Year, the Los Angeles County Fire Department responded 364 times[20] outside their jurisdiction, and the Los Angeles City Fire Department made over 200 responses outside their city.[21] This help is readily given, but it indicates somewhat of an inequity regarding fire protection taxes for those supporting the large departments. This must be taken into consideration when comparisons are made.

(3) Training programs, more intensive fire prevention activities, classified relief, modern fire alarm and dispatching systems, top quality equipment and apparatus, etc., are usually found to exist to a greater extent in the larger departments. Some of these items, and others, are discussed in more detail elsewhere in this study. The important point here is that none of these are unnecessary "luxury" items and all are important in the interest of efficient and effective fire protection. Weight must be given to these items in any comparison.

It must be pointed out that even when an effort is made to consider the above factors, attempt at comparison between departments does

[20] One hundred fifty-one of the 364 responses were to cities other than Los Angeles located within Los Angeles County. SOURCE Los Angeles County Fire Department Annual Report, Fiscal Year Ended June 30, 1955, p. 17.

[21] SOURCE 69th Annual Report of the Department of Fire, City of Los Angeles, for the Fiscal Year Ended June 30, 1955, p. 33 (219 "outside city" responses were made during the fiscal year.)

produce some real mechanical, as well as nonmechanical or inherent difficulties Some of the mechanical difficulties are discussed subsequently in this section As to the inherent difficulties, the fact is that there is a wide variance in what each department is protecting according to the nature of the municipality or community being served. For example, a city almost entirely made up of small residential structures can operate its fire department on a lower per capita cost than a city with numerous large industrial plants and mercantile establishments.

On the other hand, a city with an abnormally high assessed valuation resulting from expensive, large inventory industrial plants being located within its boundaries, will be able to furnish effective fire protection at a relatively low tax rate per $100 assessed valuation This is also true of cities predominated by large, expensive residences. Cities almost completely industrial with little residential community, and therefore a small population, have high per capita fire protection costs.

Finally, even when all other things are equal, fire protection is more costly in older communities than in the newer ones and more costly in spread-out communities than in compact communities.

Despite these limitations, it is possible to arrive at some generally relevant approximate cost comparisons by attempting to arrive at the *total* fire department cost picture and by giving due consideration to the variables described above.

The Federated Fire Fighters of California have made a serious endeavor to accomplish this.

In pursuing this task, the 40 incorporated cities which have paid fire department personnel were considered, plus the Consolidated Fire Protection District of Los Angeles County. We are not considering those four cities [22] where voluntary or almost completely voluntary fire departments exist, nor the other five fire protection districts in Los Angeles County, nor Avalon because of its unique nature and isolated location.

It is obviously meaningless to try to compare fire department costs in the case of volunteer departments with those of paid fire departments. However, we are including for such comparison purposes those fire departments, included within the 40 incorporated cities, where most of the service is rendered by full-time personnel and a smaller part by volunteers In the case of the Los Angeles county fire protection districts, we are considering only the Consolidated Fire Protection District for the following reasons:

(1) This is the major county fire protection district from all standpoints.

(2) This district enables us to evaluate the efficiencies, economies and high quality of protection that can be achieved in a large consolidated district.

(3) It is generally accepted that the Consolidated District best reflects the typical service given by the Los Angeles county fire protection districts and for the additional purpose of brevity in this section, we use Consolidated as the yardstick.

After an examination of this section, however, if there is a belief that it would be helpful to have similar data presented for the other

[22] Hermosa Beach, La Verne, Palos Verdes Estates and Sierra Madre.

five county fire protection districts, this can be furnished upon request.

1. **Do Fire Department Budgets Reflect the Actual Cost of Operating a Fire Department?** We are obviously interested for purposes of this analysis in what it actually costs to operate the various fire departments. We believe that it is safe to assume that the taxpaying citizen cares little as to whether or not such costs are actually reflected in the fire department budget or in other budgets or funds such as water department budget, capital outlay funds, general funds, etc The citizen pays the bill in either event as reflected in the total tax rate.

The fact is that fire department budgets only partially reflect the true cost of operating a fire department, because costs of operating the department do appear in other funds or budgets. The extent to which the fire department budget reflects the total cost varies by city and county according to the different accounting procedures adopted in each case. Nowhere in this section is any criticism intended relative to said varying accounting procedures. Our only purpose is to ascertain as closely as possible the facts as to the true and total actual costs of operating these various fire departments, regardless of where such costs are budgeted. As will be shown presently, there is usually a substantial difference between the stated fire department budgets and what it actually costs in total to operate these fire departments

2. **Procedure Adopted to Determine Actual Fire Department Costs.** In attempting to determine the facts in this matter, the Federated Fire Fighters of California adopted a procedure of directly contacting the proper authorities in the 40 incorporated cities and in the Los Angeles County Consolidated Fire Protection District. A committee of 25 members of said federation was selected to undertake this task and the assignments were divided among them. This survey was conducted over a period of six months, largely concentrated during the months of September, October and November.

In each case, the committee endeavored to obtain a copy of the complete budget, encompassing all departments, all separate funds or all separate budgets within the total city budget, plus bond issue data. If this complete data were not available, as was the case in eighteen of the cities, an endeavor was made to at least obtain a copy of the fire department budget. In either event, it was found necessary to supplement said information by meetings with the city manager, and/or city clerk, city controller or related persons and the fire chief to determine to the extent possible what actually was included in the fire department budgets and what other items, not included in the fire department budgets, were costs incurred by the fire department as a result of its operation.

Several problems were incurred in attempting to obtain this information, despite the fact that in nearly all cases the committee received excellent cooperation from the city officials contacted. These problems may be summarized as follows:

(a) Several cities do not print separate copies of their city or fire department budgets and therefore could not furnish the committee a copy. It was therefore necessary for the committee to copy the vari-

ous items, which in most cases was possible by virtue of the cooperation of the city officials contacted.

(b) This same problem existed even in some cities where normal practice calls for the printing of budgets, as a result of the fact that the intensified part of the committee's work was conducted recently at a time when the new 1956-57 budgets had just been adopted and had not as yet been printed.

(c) In nearly all cases, regardless of whether points 1 or 2 applied, interpretive meetings were necessary with the informed city official to determine the extent of fire department incurred expenses on items listed in other budgets or funds Again, most cities cooperated in this endeavor, but a few did not.

(d) Even when full data were made available and where full cooperation was given in interpretive meetings, it was impossible for the cities or the committee in many cases to determine the fire department expense portion of certain items coming out of other funds, e g., civil service charges, liability and collision insurance on vehicles, fire insurance on fire department buildings and stations, etc. To this extent as will be seen subsequently in this section, it is impossible to fully determine the actual costs of operating fire departments in the 40 incorporated cities. All that can be accomplished is to arrive at a closer estimation of said costs than that reflected by the fire department budgets themselves.

3 **Fire Department Expenses Not Included in Fire Department Budgets.** The six Los Angeles county fire protection districts represent the only fire department in the county where the budgets for each district include nearly all fire protection charges and costs of operation, if not all. The organizational structure in these districts is largely responsible for this. Since the county fire department operates largely on a district basis, all chargeable items for fire protection that can be allocated must be included within the budget of the district incurring the expense.

On the other hand, in the budgetary survey of the 40 incorporated cities, the following items were most frequently found to be excluded from the fire department budget:

Accounting item	*Number of cases excluded from fire dept. budget*
Civil Service charges	39
Insurance charges other than workman's compensation	38
City contribution to retirement	37
Fire station construction (including cost of land, plans and architects' fees)	35 *
Workman's compensation insurance	35
Hydrant purchase, installation and repair	34
Water service or hydrant rental	26
Capital outlay for other than station construction	16 †
Utilities (other than telephone and hydrant water service)	13
Telephone expense	10

* In 13 of these cases, however, none of this activity is contemplated during this fiscal year. There is indication that when such activity occurs in these cities, the costs would be budgeted out of funds other than the fire department budget

† In most of these cases, part of this other capital outlay is included in the fire department budget and part is not In three of these cases, no other capital outlay expenditures are contemplated for this fiscal year, but it is indicated that normal practice would call for such expenditures to be paid out of funds other than the fire department budget

In addition to the above, in 20 of the 40 cases, it was found that some items other than those listed above were excluded from the fire department budget, such as certain repair expenses to buildings and/or equipment, radio maintenance, dispatching expenses, etc. Administrative overhead represents another item where costs are not fully reflected in most fire department budgets. However, there is little agreement as to what should be embodied in this item, no accurate method of allocating pro rata costs to each department and a minor cost factor involved for the smaller cities (largely pro rata of one clerical salary). Therefore, this item has not been taken into consideration in the analysis which follows.

In view of the above findings involving 10 important items of fire department expenditure, plus other miscellaneous items, excluding administrative overhead, the committee attempted to determine the amount of fire department costs involving these items in all cases where they were not already included in the fire department budget. To the extent that such allocations could be determined or estimated with some degree of accuracy, they were added to the stated fire department budget. This obviously results in a closer estimate of what it actually costs to operate a fire department than the stated fire department budget alone.

In applying the above, the main test was—are these budgeted expenditures appearing in other funds or budgets attributable to fire department operations and, if so, what is the amount of such expenditures

To assist in the interpretation of the statistical data compiled in this regard, and before submitting said data, we believe a brief discussion of the treatment given each of the above-listed items is important.

(a) *Civil Service Charges.* Of the 39 cities excluding these charges from their fire department budgets, it was only possible to obtain an estimate as to the approximate cost attributable to fire department operations in 19 cases.

Of these 19 cities, there were 13 where part or all of the services are rendered by the Los Angeles County Civil Service Commission on a contract basis. Therefore, unless a more accurate estimate was available from the city official contacted, the schedule of Los Angeles County Civil Service Commission charges to incorporated cities for these services was used. Said schedule is set forth on the succeeding page as Table III.

The appropriate annual charge per employee was multiplied by the number of persons employed in the fire department to arrive at the estimate. Where this method had to be relied on the result is a conservative estimate, because in the case of 6 of the 13 cities, only partial service is given by the commission and the other services must be rendered by the city itself, for which no estimate was available. In the other seven cities, where the commission gives complete service, the result was still a conservative estimate because there are usually other administrative and clerical expenses involved within the city. This would be particularly true in the case of larger cities using the commission for so-called complete service, such as Burbank and South Gate, which either maintain separate civil service or personnel depart-

ments or other facilities, some of which costs would be properly attributable to the fire department operations, if they could be determined.

It should be emphasized that in the remaining 20 cities, it was not possible to estimate civil service charges properly attributable to fire department operations so no additions were made in these cases, although obviously there are some added fire department costs involved. In two of these cases, there was an indication that there actually was no service of this type and, therefore, no costs involved.

TABLE III

SCHEDULE OF LOS ANGELES COUNTY CIVIL SERVICE COMMISSION CHARGES TO INCORPORATED CITIES FOR SERVICES RENDERED

Number of employees in government jurisdiction	Annual charge per employee for complete service[1]	Annual charge per employee for partial service[2]
1-24	$27 50	$17 00
25-100	17 50	9 00
Over 100	10 00	5 00

[1] Includes establishment and adjustment of classification systems as well as development and conducting of examinations
[2] Examination services only

(b) *Insurance Charges Other Than Workmen's Compensation.* Of the 38 cities excluding these charges from their fire department budgets, it was only possible to obtain an estimate as to the approximate costs resulting from fire department operations in six cases. Generally speaking, the reason for this was that in the case of fire insurance on building and structures and liability insurance on vehicles, the cities have over-all insurance policies covering all of these items owned by the city, and some city officials found it difficult to allocate the separate insurance costs of the items that are used by the fire department. In the case of collision insurance on vehicles, this was also true in those cases where there were such policies; but several cities do not have collision insurance at all. Only two cities were partially or completely self-insured for some of the above purposes and in those cases, it was also impossible to estimate prorated fire department costs.

In the six cities where some estimate was available, it was furnished by the appropriate city official.

(c) *City Contribution to Retirement* Of the 37 cities excluding these charges from their fire department budgets, it was possible to obtain an estimate as to the approximate costs attributed to fire department operations in all cases except one where there is no retirement plan in effect.

However, in nine of these cases, where no other data or estimate were available, we computed an estimate by applying a conservative 6 percent figure to full-time fire department personnel. We adopted 6 percent as a conservative estimate of average city contributions to retirement for fire department personnel, since most of the available

data indicated that the average city contributes to various State Retirement Plans somewhat in excess of that 6 percent figure.

In most of the remaining cases, the city contribution to fire department retirement was either based on an estimate from the appropriate city official or was computed from data furnished by such persons.

(d) *Fire Station Construction (Including Cost of Land, Plans, Architects' Fees).* Of the 35 cities excluding these charges from their fire department budgets, it was possible to obtain an estimate as to the approximate cost attributable to fire department operations in 17 cases. However, in 13 of the remaining 18 cases, as indicated heretofore, no fire station construction or related expenditures are contemplated during this fiscal year.

There are five cases, in other words, where expenses of this nature will be incurred during this fiscal year, but no accurate information is available to determine the extent of said expenses.

In computing additional fire department costs for these purposes, we have included not only capital outlay budgeted expenditures, but also data or estimates relative to the amount of principal and interest to be paid during this fiscal year on bond issues floated for the purpose of fire department construction. Also included under this item are the few cases where expenditures for construction of fire department headquarters buildings are involved during this fiscal year However, subsequently in this section of the study, adjustment factors are applied to compensate for cases where excessive capital outlay expenditures are budgeted during this fiscal year. Such adjustment factors are only applied in cases where the expense is not amortized over a period of years either by virtue of bond issue, sinking funds or other methods.

(e) *Workman's Compensation Insurance.* Of the 35 cities excluding these costs from their fire department budgets, it was possible to obtain an estimate as to the approximate cost chargeable to fire department operations in all cases. However, in 19 of these cases, where other data were not available, an estimate was computed of these costs.

This estimate is based on the fact that the new standard Workman's Compensation insurance rate for uniformed fire fighters is $2.80 per hundred dollars of pay roll. This $2.80 per hundred standard rate varies only to the extent of 80 percent of $2.80 or 120 percent of $2.80, depending on the actual experience rating within the city being insured. For purposes of our estimate, we applied the standard $2.80 rate per $100 of pay roll whenever specific information or estimates from city officials were not available.

(f) *Hydrant Purchase, Installation and Repair.* Of the 34 cities excluding these charges from their fire department budgets, it was only possible to obtain an estimate as to the approximate cost attributable to fire department operations in 13 cases In most of the other cases, this service is performed by and budgeted to the water department within the city and no breakdown was available as to the cost of such service. Similarly, in other cases, where some other department or company performs this service, it was not possible to obtain an estimate as to the annual cost involved.

In most of the 13 cases where it was possible to estimate these costs, the data was found either specifically designated in the municipal water department budget, capital outlay fund or related funds, or else the appropriate city official was able to give an approximate estimate. In only one of these cases, was it indicated that there would actually be no costs involved during this fiscal year for this service. In the other 20 cases, even though there actually are considerable costs involved, attributable to fire department operation, no estimate was possible.

(g) *Water Service or Hydrant Rental.* As shown heretofore, there are 26 cities which exclude these charges from their fire department budgets. It was possible to obtain an estimate as to the approximate cost attributable to fire department operations in all of these cases. However, this was only possible because we either partly or wholly relied on a conservative standard formula for estimate on this item.

The Southern California Water Works organization recently conducted a questionnaire survey relative to hydrant rental charges and other hydrant rental information. Questionnaire response included 56 municipalities, 38 private companies, 11 water districts, 5 irrigation districts and 23 mutuals, for a total of 133 responses, excluding 4 where the data was not used. One of the findings resulting from this survey was that the average rental charge per hydrant in all of these types of organizations was $1.70 per month or $20.40 per year. The latter figure was adopted as the annual estimate formula applied to this item when other data were not available.

This formula was applied in cases where there actually was no charge made to the municipality by the servicing organization or when only a small unrealistic token charge was listed. The basis for this was that there are obviously substantial costs involved attributable to fire department operations, which should be considered regardless of the various reasons why no charge is made in these specific cases. No charges or token charges usually occur in cases involving municipal water departments where the policy is not to charge another municipal function, since it all involves the same municipality and reflects ultimately in the over-all tax rate.

In cases where a reasonable charge was available from the servicing organization, it was applied in lieu of this over-all formula, even though the stated charge amounted to less than $20.40 per year per hydrant. Whenever it was found necessary to use the $20.40 per year formula, this figure was multiplied by the number of hydrants existing in the city to arrive at an estimated total charge.

In the case of the Los Angeles County Consolidated Fire Protection District, to be consistent in applying this formula, it was utilized in the case of 826 hydrants for which no water service or hydrant rental charge is made by certain municipal water departments. The resulting figure was applied in addition to the stated Consolidated Fire Protection budget figure for water service or hydrant rental on the remaining hydrants. This represents the only item where the Consolidated Fire Protection budget did not fully reflect cost of its fire protection operations. The other items of major concern here were included in the fire protection budget.

(h) *Capital Outlay for Other Than Station Construction.* The main type of expenditures covered under this item are capital outlays for fire equipment or apparatus and purchase and installation of new fire alarm systems.

There are 16 cases where at least part of the capital outlay for purposes other than station construction is excluded from the fire department budget. As noted heretofore, in three of these cases, these other types of capital outlay expenditures are not contemplated for this fiscal year. In addition to these three cases, there are five other cases where it was not possible to obtain an estimate of budgeted expenditures for these purposes during the current fiscal year.

The same principles were followed in determining the additional fire department costs for these purposes as those described heretofore in the case of capital outlay for station construction and fire department headquarters construction, including application of principal and interest payable this fiscal year for bond redemption purposes on those bonds issued for purposes covered under this item.

(i) *Utilities (Other Than Telephone and Hydrant Water Services).* Of the 13 cities where expenditures for this purpose were excluded from the respective fire department budgets, it was only possible to obtain an estimate of these costs in three cases The main reason for this is that in most cities where utility expenditures are not budgeted separately for each department within the city, accurate records are not available as to the expenditures incurred by each department for this item. It is budgeted out of general funds or some other over-all city fund. Therefore, there are 10 cases where it was not possible to estimate within reason these actual utility expenses incurred by the fire departments.

(j) *Telephone Expenses.* Of the 10 cases where telephone expenses incurred by the fire departments were excluded from the fire department budget, it was possible to estimate the amount of said expenditures in six cases, including the one case where said expenses were included in the estimate for utilities. In the other four cases, it was not possible to make an estimate for reasons similar to those described heretofore in the case of utility expenses.

(k) *Other Items.* As noted heretofore, there are 20 cases where other items are excluded from the fire department budget, including various repair expenses, radio maintenance and dispatching expenses. It was only possible to estimate the cost of part of these other items of expense attributable to fire department operations in five of these cities.

Aside from some special miscellaneous items included here for three cities where the approximate cost was known, instances of these other items not being included in the fire department budget occur mainly when as a policy, a city garage takes care of vehicle repairs and the expenditures are not allocated to the various departments; cases where a police department employee is assigned to dipsatch for both the police and fire departments and there is no allocation of costs between the two departments, etc. In these instances, it is usually difficult to determine the actual cost incurred for fire department purposes.

4. **Estimated Added Actual Cost of Operating Fire Departments.** Table IV, which follows, sets forth the added actual costs of operating fire departments in 40 incorporated cities and in the Los Angeles County Consolidated Fire Protection District for those items described above The data set forth in Table IV reflect this information, city by city, during the Fiscal Year 1956-1957, to the extent that information was available.

An examination of Table IV discloses, among other things, that the known additions to fire department budgets exceed $10,000 in 37 of the 41 cases. This ranged all the way up to nearly $5,000,000 in the case of the Los Angeles City Fire Department, even though there were many cases where data were not available, which would further increase these proper additions to the costs of operating the various fire departments.

TABLE IV

ESTIMATED ACTUAL COST OF OPERATING FIRE DEPARTMENTS

(Items not included in fire department budgets of 40 incorporated cities in Los Angeles County)

Accounting item	City			
	Alhambra	Arcadia	Azusa	Bell
Civil service charges	[1]$300	[1]$200	[1]$100	[1]$274
Telephone expense	F.D	F D.	F.D	[4]11
Utilities (other than tel)	F D	F.D.	*	*
Retirement contribution	[2]68.356	F D	[3]3,802	[2]9,328
Workman's compensation	[4]13,680	[5]5,961	[4]2,250	[4]1,491
Other insurance	3,636	[4]1,103	*	[4]1,973
Water service or hydrant rental	[4]17,258	[4]16,768	[4]7,874	F.D
Hydrant purchase, installation and repair	[6]6,000	[7]13,543	[4]11,000	[8]
Fire station construction (includes plans, land, etc)	[6]6,111			59,200
Other capital outlay	F D	F D.	F D	F D
Other items	F D	F D	F D.	[3]1,325
Total	$115,341	$37,575	$25,026	$74,C02

NOTE All symbols and footnotes 1 through 5 also apply to the succeeding pages comprising this table

* No breakdown available—paid out of general fund or other funds

F D —Item included in fire department budget

[1] City estimate from city manager, city clerk, city controller or fire chief Expenses paid out of general or other funds.

[2] Computed from data received

[3] Paid out of water department budget, capital outlay fund or related funds

[4] Estimate based on standard $2 80 per $100 of pay roll for workman's compensation, conservative estimated average of 6 percent city contribution to retirement and $1 70 per month or $20 40 per year average cost of water service or hydrant rental per hydrant

[5] Computation based on Table of Charges of Los Angeles County Civil Service Commission See Table III

[6] Alhambra—1956-1957 cost of repaying bond issue for station construction $5,000 per year equals principal (20-year bond) and $1,111 per year equals interest at 12 percent

[7] Arcadia—Main and hydrant installation $10 000 (1956-1957 budget) $3,543 estimated for hydrant repair and relocation, based on actual cost to water department during previous budget year

[8] Bell—"Other items" amount paid out of auto equipment fund for fire department for auto parts outside labor, gas, oil, grease and contract for radio maintenance "Hydrant purchasing, installation and repair," $250 for repairs is in fire department budget No breakdown is available for purchasing and installation paid out of other funds

TABLE IV—Continued

ESTIMATED ACTUAL COST OF OPERATING FIRE DEPARTMENTS

(Items not included in fire department budgets of 40 incorporated cities in Los Angeles County)

Accounting item	City		
	Beverly Hills	Burbank	Claremont
Civil service charges	*	[5]$1,090	*
Telephone expense	See utilities	F D.	F D.
Utilities (other than tel)	[1]$1,097	F.D.	*
Retirement contribution	[3]31,616	[4]35,934	
Workman's compensation	[11]15,528	[4]16,778	[1]$1,055
Other insurance	[12],336	*	*
Water service or hydrant rental	[4]13,260	[4]28,478	F D
Hydrant purchase, installation, repair	*	F.D.	*
Fire station construction (includes land, plans, etc)	42,800	F.D.	[12]
Other capital outlay	[9]5,592	F.D.	F D
Other items	[10]	[11]28,725	[13]
Total	$112,229	$111,005	$1,055

[9] Beverly Hills—Payment out of general fund for new fire alarm system
[10] Beverly Hills—Dispatching done by police department with no charge to fire department
[11] Burbank—Pro rata of $150,000 salary increase of July 1, 1956 for all personnel Based on estimate of city auditor Further salary increases probably will be granted December 1, 1956, amounting to 2 7 percent for fire department personnel This has not been included
[12] Claremont—No building contemplated this year Building land costs and other costs came out of capital outlay, general fund or bond issue, when needed.
[13] Claremont—"Other items"—dispatching done on both police and fire departments by police officer His salary charged to police department.

Accounting item	City			
	Compton	Covina	Culver City	El Monte
Civil service charges	*	*	[1]$300	*
Telephone expense	F D.	*	[11]40	F.D.
Utilities (other than tel)	F D.	*	[11],200	F.D.
Retirement contribution	[3]$21,378	[3]$5,458	[11]8,761	[3]$5,221
Workman's compensation	[4]7,660	[4]2,626	[11]9,541	[2]3,352
Other insurance	*	*	[12]22	*
Water service or hydrant rental	[4]17,544	[4]6,120	F D	5,651
Hydrant purchase, installation, and repair	[5],350	*	[16]00	*
Fire station construction (includes plans, land, etc.)	F D	78,000	[15]13,000	[17]6,750
Other capital outlay	F D.	F D.	[16]8,824	F.D.
Other items	F.D.	[14]	F.D.	F.D.
Total	$51,932	$92,204	$53,595	$20,974

[11] Covina—"Other items"—nearly all repair expenses to vehicles, apparatus, buildings, structures, etc , are paid out of general fund with no expense allocation for fire department
[15] Culver City—1956-1957 allocation for construction of Station No 3 out of buildings and grounds fund
[16] Culver City—Expense of new fire department vehicles and apparatus paid out of buildings and grounds and police department budgets
[17] El Monte—Estimated annual cost of repaying $90,000 bond issue for station $4,500 per year equals principal (20-year bond) and $2,250 per year equals interest at 2½ percent.

TABLE IV—Continued

ESTIMATED ACTUAL COST OF OPERATING FIRE DEPARTMENTS

(Items not included in fire department budgets of 40 incorporated cities in Los Angeles County)

Accounting item	City			
	El Segundo	Gardena	Glendale	Glendora
Civil service charges	*	*	*	*
Telephone expense	F.D.	*	F D	[1]$120
Utilities (other than tel.)	F D	F.D	F D	*
Retirement contribution	[2]$9,322	[4]$7,945	[4]$47,838	[3]3,258
Workman's compensation	[4]3,105	[4]3,746	F D.	[4]929
Other insurance	*	*	*	*
Water service or hydrant rental	F.D.	F D.	[4]34,680	[4]8,874
Hydrant purchase, installation, and repair	*	*	[3]26,700	*
Fire station construction (includes land, plans, etc.)	F D	72,000	[20]267,925	
Other capital outlay	F.D	F.D	[20]28,000	
Other items	[18]	[19]	F.D	[21]
Total	$12,427	$83,691	$405,143	$13,181

[18] El Segundo—Most repairs done at city garage and not charged to fire department
[19] Gardena—Same as footnote [10] for Beverly Hills
[20] Glendale—$260,000 for central fire station renovation and expansion and purchasing of site for library and fire station in Montrose $28,000 for added firefighting equipment is to be financed out of capital outlay fund later during this fiscal year The $7,925 listed is payment of principal and interest for 1928 fire bonds out of the interest and redemption funds
[21] Glendora—Expenses for repairs to buildings and structures are not allocated to fire department No breakdown available On station construction, need for two new fire stations was referred to, but no allowances were made to finance this year

Accounting item	City			
	Hawthorne	Huntington Park	Inglewood	Long Beach
Civil service charges	*	[5]$230	[5]$355	*
Telephone expense	F.D	*	F D	F D
Utilities (other than tel.)	F D.	*	F.D.	F.D
Retirement contribution	F D	[21]21,196	[23]33,333	[2]$500.000
Workman's compensation	F D	[27]7,359	[4]11,287	[4]63,595
Other insurance	*	*	*	*
Water service or hydrant rental	[22]$6,038	[4]10,036	[4]21,502	[4]85,680
Hydrant purchase, installation, and repair	[3]2,000	*	[3]15,000	[27]12,000
Fire station construction (includes plans, land, etc.)	[23]75,000		[25]64,800	[27]115,000
Other capital outlay	[23]38,000		[25]4,379	[27]9,450
Other items	[23]	[24]	[26]	F D
Total	$121,038	$38,821	$150,656	$785,725

[23] Hawthorne—Paid out of capital improvement fund $75 000 equals new fire station and remodeling of central fire station $38,000 equals new drill tower, fire alarm system and other capital outlay Some repairs not charged to fire department
[22] Hawthorne—In addition, there is $4,400 in fire department budget for privately owned hydrants The $6,038 is footnote [4] formula applied to 296 additional municipally owned hydrants
[24] Huntington Park—"Other items"—radio maintenance cost and some other repair expenses are paid out of funds other than fire department No breakdown available
[25] Inglewood—$64 800 including $4 800 for architect's fees for new station out of general funds $60,000 equals cost of station construction from capital improvement projects budget Actual cost of station is estimated at $77,000, but other $17,000 is budgeted for next year $4,379 equals expenses from other budgets for one new station wagon (rescue truck), two portable radio transmitters and two mobile radio transmitters
[26] Inglewood—Repairs to motor vehicles, apparatus and radio maintenance largely paid out of general funds No breakdown available
[27] Long Beach—$115,000 out of special projects and land acquisition fund for construction of two fire stations $9,450 is a separate capital outlay purchase for a fire boat, $12,000 on hydrant purchase and installation includes charges by Lakewood Water and Power for hydrant rental of 430 hydrants

TABLE IV—Continued

ESTIMATED ACTUAL COST OF OPERATING FIRE DEPARTMENTS

(Items not included in fire department budgets of 40 incorporated cities in Los Angeles County)

Accounting item	City			
	Los Angeles	Lynwood	Manhattan Beach	Maywood
Civil service charges	[1]$40,000	[5]$115	[8]$240	F D.
Telephone expense	[2][9]81,400	F D	F D	F D
Utilities (other than tel.)	[2][9]56,530	F D	F D	F D
Retirement contribution	[12],143,395	[18],106	[17],431	[21],092
Workman's compensation	[10]14,410	[13],783	[14],587	[22],118
Other insurance	[29]	*	*	*
Water service or hydrant rental	[31],243,800	F D	F D	[33]2,203
Hydrant purchase, installation, and repair	[31]553,600	*	*	*
Fire station construction (includes land, plans, etc.)	[32]544,667			
Other capital outlay	F D	[34]	F D	
Other items	[33]150,000	[34]	F.D	[36]
Total	$4,827,832	$12,004	$12,258	$5,413

[25] Los Angeles—"Telephone expense" — estimated charges incurred by fire department according to Bureau of Communications. Excludes fire alarm and call box expenses handled through the department of building and safety.

[29] Los Angeles—"Utilities"—this expense is in addition to $7,152 paid out of fire department budget to private companies. The $56,530 is an estimate of funds budgeted from department of water and power and department of water and electricity figured from costs incurred in September, 1956.

[10] Los Angeles—"Workman's compensation" and "other insurance"—city is self-insured. $14,440 represents estimate of medical service for firemen for illness or on-the-job injury, based on receiving hospital budget of $38,000 for "medical service, policemen and firemen." 38 percent are firemen. 38 percent of $38,000 equals $14,440. Since firemen receive full pay up to one year when hurt on job, no further amounts have been added. On other type of insurance, no amounts have been added because of self-insurance, although losses must be paid out of city funds.

[31] Los Angeles—"Hydrant purchase, installation and maintenance" paid out of department of water and power and department of water and electricity budgets.

[32] Los Angeles—Includes expenses for bond redemption and interest on previous bond issues for fire station construction purposes. Estimate from city controller's office.

[33] Los Angeles—From capital improvement expenditure program. $150,000 for fire hydrants under the acquisition of land, rights-of-way and public improvements appropriations (permanent improvement—Schedule 4).

[34] Lynwood—No breakdown available of payments for new apparatus and some repairs paid out of other funds.

[35] Maywood—Computed in accordance with formula set forth in footnote [4] for 108 hydrants. Above figure excludes $450 in fire department budget for additional 26 hydrants where specified charges are actually made.

[36] Maywood—Same as *footnote* [19] *for* Beverly Hills.

TABLE IV—Continued

ESTIMATED ACTUAL COST OF OPERATING FIRE DEPARTMENTS

(Items not included in fire department budgets of 40 incorporated cities in Los Angeles County)

Accounting item	City			
	Monrovia	Montebello	Monterey Park	Pasadena
Civil service charges	*	[36]$220	[18]$200	*
Telephone expense	F.D.	F D.	[17]50	F D
Utilities (other than tel.)	F.D.	F D	*	F D.
Retirement contribution	[48]8,846	[11]1,092	[11]14,264	[21]50,000
Workman's compensation	[44]4,147	F D	[23]3,352	[23]35,644
Other insurance	*	[37]F D	*	*
Water service or hydrant rental	[41]12,240	F D	[41]11,302	[44]42,004
Hydrant purchase, installation, and repair	*	I D.	[39]9,670	F D
Fire station construction (includes plans, land, etc.)	F D	[38]5,263	F D	[40]4,900
Other capital outlay	F D.	[38]12,025	F D	[40]
Other items	F D.	I D.	[39]18,200	F.D
Total	$25,233	$18,600	$57,738	$232,548

[36] Montebello—Excludes breakdown for fire insurance on fire department structures No breakdown available
[38] Montebello—$5,262 50 equals amount of principal and interest to be paid in 1956-1957 for fire department station construction bond issued in 1950 $12 025 equals amount of principal and interest to be paid in 1956-1957 for fire department equipment and apparatus bond issued in 1955 Other current expenses for these purposes are included in fire department budget
[39] Monterey Park—"Other items"—dispatching done on both police and fire departments by police officer His salary charged to police department
[40] Pasadena—2 percent interest on new bond issue, $245,000 of which is for fire department station construction and purchase of new apparatus No principal payment to be made during first year

Accounting item	City			
	Pomona	Redondo Beach	San Fernando	San Gabriel
Civil service charges	*	[5]$380	[5]$170	*
Telephone expense	F D.	F D	F D	F.D.
Utilities (other than tel.)	F D	F D	F D.	F D
Retirement contribution	[18]20,014	[42]20,920	[14]4,717	[18]9,814
Workman's compensation	[10]10,638	[46]6,029	[42]2,320	[15]5,007
Other insurance	*	*	*	*
Water service or hydrant rental	F D	F.D	[47]7,650	F.D.
Hydrant purchase, installation, and repair	*	*	[32]2,700	F D
Fire station construction (includes plans, land, etc.)	*	[42]	[44]3,937	*
Other capital outlay	F D	[42]	F.D.	*
Other items	[41]	[43]	[45]	F D.
Total	$30,652	$22,754	$21,494	$14,821

[41] Pomona—Same as footnote [10] for Beverly Hills
[42] Redondo Beach—Plan to buy two sites and build two new stations next year, plus purchasing some apparatus out of funds other than fire department
[43] Redondo Beach—Same as footnote [10] for Beverly Hills
[44] San Fernando—Estimated amount to be paid on principal and interest on portion of bond issue for fire station construction This was part of a $250,000 bond issue for police department building and fire station, $45,000 of which is for fire station
[45] San Fernando—Outside contracts for radio maintenance, some repair expenses, and other items not charged to fire department Police department handles dispatching for both police department and fire department at no charge to fire department No accurate estimate available as to total of these various items

TABLE IV—Continued

ESTIMATED ACTUAL COST OF OPERATING FIRE DEPARTMENTS

(Items not included in fire department budgets of 40 incorporated cities in Los Angeles County)

Accounting items	City			
	San Marino	Santa Monica	Signal Hill	South Gate
Civil service charges	*	*	[5]$126	[5]$520
Telephone expense	F D.	F D.	F D	F D.
Utilities (other than tel)	*	F.D	F D.	F D.
Retirement contribution	[2]$6,861	[1]$32,245	F D	[41]8,332
Workman's compensation	[43],457	F.D.	F.D.	[48],471
Other insurance	*	F.D.	*	*
Water service or hydrant rental	F.D.	[42]5,540	[43],124	[22]3,967
Hydrant purchase, installation, and repair	F D	*	*	*
Fire station construction (includes plans, land, etc)	*			
Other capital outlay	F.D	F D	F.D	F D
Other items	F D.	F D.	F D	[46]
Total	$10,318	$57,785	$3,247	$51,290

[40] South Gate—Radio maintenance charges paid out of general fund No breakdown available

Accounting item	City			
	South Pasadena	Torrance	Vernon	West Covina
Civil service charges		[1]$534		*
Telephone expense	F D.	F D	F D	*
Utilities (other than tel)	*	F D.	F D.	*
Retirement contribution	[2]$7,059	[22],668	[4]$27,385	[2]$2,016
Workman's compensation	[43],276	[41]1,457	[41]2,779	[13],750
Other insurance	*	*	*	*
Water service or hydrant rental	[47]6,680	F D	[49]10,118	F D
Hydrant purchase, installation, and repair		*	*	F D
Fire station construction (includes plans, land, etc)		[43]17,028		[50]
Other capital outlay	*	[48]47,600	F D	F D
Other items	F D	[48]2,500	F D	F D
Total	$17,015	$101,787	$50,282	$5,766

[47] South Pasadena—Fire department budget shows flat rate of $500 $6,680 derived from formula in footnote [4] 352 South Pasadena hydrants times $20 40 equals $7,180 less $500 equals $6,680

[48] Torrance—$17,028 equals estimated annual payment of principal and interest on $300,000 30-year bond issue for fire department station construction and purchase of apparatus (2 51 percent interest) $47,600 earmarked from unappropriated reserve fund for fire engine equipment $2,500 equals estimated city cost of hospital and surgical plan for fire department employees

[49] Vernon—"Hydrant rental"—computed as per footnote [4] based on 496 hydrants located in public areas The figures in computations exclude all hydrants located on private property.

[50] West Covina—No expense for station construction planned this year However, there is outstanding a $35,000 bond issue for fire department purposes, issued in 1951, but no breakdown is available as to amount of principal an interest being paid annually for bond redemption and interest purposes

TABLE IV—Continued

ESTIMATED ACTUAL COST OF OPERATING FIRE DEPARTMENTS

(Items not included in fire department budgets of 40 incorporated cities in Los Angeles County)

Accounting items	City	
	Whittier	Consolidated Los Angeles County
Civil service charges	[5]$235	F.D.
Telephone expense	F.D.	F D.
Utilities (other than telephone)	F D.	F.D.
Retirement contribution	[51]19,491	F D
Workmen's compensation	[47],576	F D
Other insurance	[1],524	F.D.
Water service or hydrant rental	[4]14,320	[54]16,850
Hydrant purchase, installation, and repair	[52]6,000	F D.
Fire station construction (includes plans, land, etc.)	[52]8,863	F.D.
Other capital outlay	F.D.	F D.
Other items	F.D	F.D.
Total	$58,009	$16,850

[51] Whittier—City estimate based on last year's contribution out of general funds for fire department
[52] Whittier—1956-1957 budgeted cost out of water department Excludes 2½ million spent in last three years to improve water system resulting in new rating by National Board of Fire Underwriters
[53] Whittier—1956-1957 cost of paying off bond issued in 1953 for fire department purposes
[54] Consolidated Los Angeles County—There are 826 hydrants on which the county pays no rental or water usage charges As per footnote 4, costs have been computed for these hydrants on the basis of $20 40 per year 826 times $20 40 equals $16,850

5. **Total Cost of Operating Fire Departments per $100 of Assessed Valuation.** Table V, which follows, sets forth a comparison of the cost of the stated fire department budgets per $100 of assessed valuation with the total estimated actual cost of operating the fire department per $100 of assessed valuation, based on the information set forth above in Table IV.

TABLE V

FIRE DEPARTMENT BUDGET COSTS PER $100 ASSESSED VALUATION AND TOTAL ACTUAL COST OF OPERATING FIRE DEPARTMENT PER $100 ASSESSED VALUATION—1956-1957

City	Net total secured and unsecured assessed valuation (000 omit.)[1] (1)	Cities' stated fire dept. budget (000 omit)[2] (2)	Cost of budget per $100 assessed valuation (col 2 + col 1) (3)
Alhambra	$88,169	$495	$0 56
Arcadia	63,767	266	.42
Azusa	22,988	109	.47
Bell	14,903	89	.60
Beverly Hills	149,419	520	.35
Burbank	192,710	1,178	.61
Claremont	11,268	44	39
Compton	65,097	485	.75
Covina	19,666	117	.59
Culver City	62,698	324	52
El Monte	18,110	105	58
El Segundo	103,772	167	.16
Gardena	30,228	151	50
Glendale	171,055	875	.51
Glendora	14,785	41	28
Hawthorne	39,241	165	42
Huntington Park	57,912	318	.55
Inglewood	86,645	427	.49
Long Beach	452,935	2,443	.54
Los Angeles	3,497,985	18,477	.53
Lynwood	30,550	143	.47
Manhattan Beach	25,332	168	.66
Maywood	11,572	74	.64
Monrovia	34,497	183	.53
Montebello	46,515	284	.61
Monterey Park	32,289	241	.75
Pasadena	201,698	1,057	.52
Pomona	75,158	397	.53
Redondo Beach	63,403	257	.41
San Fernando	18,545	89	.48
San Gabriel	30,781	167	.54
San Marino	36,703	146	.40
Santa Monica	170,104	650	.38
Signal Hill	34,575	106	.31
South Gate	72,756	346	.48
South Pasadena	25,371	126	50
Torrance	124,310	445	36
Vernon	203,517	509	.25
West Covina	40,646	158	39
Whittier	50,172	289	58
Consolidated—Los Angeles County	1,227,608	6,972	.57

SOURCES [1] Obtained from Los Angeles County Division of Taxes
[2] 1956-1957 fire department budgets of 40 incorporated cities and for the Los Angeles County Consolidated Fire Protection District.
[3] See previous table

TABLE V—Continued

FIRE DEPARTMENT BUDGET COSTS PER $100 ASSESSED VALUATION AND TOTAL ACTUAL COST OF OPERATING FIRE DEPARTMENT PER $100 ASSESSED VALUATION—1956-1957

City	Estimated added actual cost of operating fire dept (000 omit)[3] (4)	Cost of financing added costs per $100 assessed valuation (col 4 − col 1) (5)	Total estimated actual cost of operating fire dept. (000 omit) (col 2 + col 4) (6)	Total cost of operating fire dept per $100 assessed valuation (col 6 − col 1) (7)
Alhambra	$115	$0 13	$610	$0 69
Arcadia	38	.06	304	48
Azusa	25	11	134	58
Bell	74	.50	163	1 09
Beverly Hills	112	07	632	.42
Burbank	111	06	1,289	.67
Claremont	1	+.00	45	.40
Compton	52	.08	537	82
Covina	92	47	209	1 06
Culver City	54	09	378	60
El Monte	21	.12	126	70
El Segundo	12	01	179	17
Gardena	84	.28	235	78
Glendale	405	24	1,280	.75
Glendora	13	.09	54	.37
Hawthorne	121	31	286	.73
Huntington Park	39	.07	357	62
Inglewood	151	.17	578	67
Long Beach	786	.17	3,229	71
Los Angeles	4,828	.14	23,305	67
Lynwood	12	.04	155	.51
Manhattan Beach	12	.05	180	71
Maywood	5	.04	79	.68
Monrovia	25	07	208	60
Montebello	19	04	303	65
Monterey Park	58	.18	299	93
Pasadena	233	.12	1,290	64
Pomona	31	.04	428	.57
Redondo Beach	23	.04	280	.44
San Fernando	21	.11	110	59
San Gabriel	15	.05	182	.59
San Marino	10	.03	156	.43
Santa Monica	58	03	708	42
Signal Hill	3	01	109	32
South Gate	51	.07	397	54
South Pasadena	17	07	143	56
Torrance	102	.08	547	44
Vernon	50	02	559	27
West Covina	6	01	164	40
Whittier	58	12	347	.69
Consolidated—Los Angeles County	17	+.00	6,989	57

[3] See previous table

Table VI, which follows, ranks the 40 incorporated cities and the Consolidated Fire Protection District according to the total estimated actual cost of operating the respective fire departments per $100 of assessed valuation for the Fiscal Year 1956-1957. This is based on the computations set forth in Table V.

TABLE VI

RANKING BY TOTAL ESTIMATED COST OF OPERATING FIRE DEPARTMENT PER $100 ASSESSED VALUATION—1956-1957

City	Total estimated cost of operating fire departments per $100 assessed valuation	Rank (lowest cost first)
El Segundo	$ 17	1
Vernon	27	2
Signal Hill	.32	3
Glendora	37	4
Claremont	.40	5 5
West Covina	.40	5 5
Santa Monica	.42	7 5
Beverly Hills	42	7 5
San Marino	.43	9
Torrance	44	10 5
Redondo Beach	.44	10 5
Arcadia	.48	12
Lynwood	51	13
South Gate	.54	14
South Pasadena	56	15
Condolidated—Los Angeles County	57	16 5
Pomona	57	16 5
Azusa	58	18
San Fernando	59	19 5
San Gabriel	59	19 5
Culver City	.60	21 5
Monrovia	.60	21.5
Huntington Park	.62	23
Pasadena	.64	24
Montebello	.65	25
Los Angeles	.67	26.3
Inglewood	67	26.3
Burbank	.67	26 3
Maywood	.68	29
Whittier	.69	30 5
Alhambra	69	30 5
El Monte	.70	32
Manhattan Beach	.71	33 5
Long Beach	71	33 5
Hawthorne	.73	35
Glendale	.75	36
Gardena	.78	37
Compton	.83	38
Monterey Park	.93	39
Covina	1.06	40
Bell	1.09	41
Average estimated cost of operating fire departments per $100 assessed valuation		$0 60

SOURCE See Table V

It will be noted from column 5 of Table V that the cost of financing the added fire department costs not included in the fire department budgets, per $100 of assessed valuation, ranged from 0 to 50 cents.

From Table V, it can also be seen that the total estimated actual cost of operating these fire departments per $100 of assessed valuation ranged from 17 cents to $1 09.

Table VI shows that the *average* estimated actual cost of operating these fire departments per $100 of assessed valuation is 60 cents. If we were to elimiate the two extreme highs and the two extreme lows (Covina, Bell, El Segundo and Vernon), for purposes of computing the average, we would find that said average becomes 59 cents.

Definite causative factors can be found for the extreme high and low rankings For example, in the case of the high cost for Covina and Bell, the main reason is that excessive capital outlay expenditures are being incurred during this fiscal year, which are not amortized. Suggested adjustment factors to compensate are described subsequently in this section. In the case of El Segundo and Vernon, the low costs are the result of the unusual nature of their cities, since both contain extremely high-value industrial plants, concentrated in a very small area in the case of Vernon, and a relatively small area in the case of El Segundo.

Also of note in Table VI is the fact that the Los Angeles County Consolidated Fire Protection District costs per $100 of assessed valuation are below the average, despite the excellent, high quality of fire protection The Los Angeles City Fire Department cost per $100 of assessed valuation is 67 cents, which would appear to be not too much above the average in view of the excellent, high-quality service performed by this department. In both cases, it must be borne in mind that the extent of their responses to assist other fire departments is a factor which increases costs. The third largest fire department, Long Beach, has a cost of operation of 71 cents, which is very reasonable in view of: (1) the unique and expensive nature of part of its fire protection activities involving the use of fire boats for aboard-ship fire fighting, firefighting on docks, etc ; (2) the extensive ambulance service offered citizens of Long Beach; and (3) the fact that the fire alarm bureau installs and maintains radio equipment for not only the fire department, but the water and gas departments.

6. **Estimated per Capita Costs of Operating Fire Departments.** Table VII, which follows, sets forth the estimated per capita total costs of operating fire departments in the 40 incorporated cities and the Consolidated District for the Fiscal Year 1956-1957.

TABLE VII

ESTIMATED PER CAPITA COSTS OF OPERATING FIRE DEPARTMENTS—1956-1957

City	Population (000 omit.) (col. 1)[1]	Total estimated actual cost of operating fire dept (000 omit.) (col 2)[2]	Estimated per capita cost of operating fire dept (col 2 + 1) (col 3)
Alhambra	54	$610	$11 30
Arcadia	35	304	8 69
Azusa	15	134	8 93
Bell	16	163	10 19
Beverly Hills	29	632	21 79
Burbank	88	1,289	14 65
Claremont	8	45	5 63
Compton	56	537	9 59
Covina	7	209	29 86
Culver City	31	378	12 19
El Monte	8	126	15 75
El Segundo	12	179	14 92
Gardena	21	235	11 19
Glendale	110	1,280	11 64
Glendora	9	54	6 00
Hawthorne	16	286	17 88
Huntington Park	33	357	10 82
Inglewood	54	578	10.70
Long Beach	280	3,229	11 53
Los Angeles	2,105	23,305	11 07
Lynwood	26	155	5.96
Manhattan Beach	31	180	5 81
Maywood	13	79	6 08
Monrovia	23	208	9 04
Montebello	27	303	11 22
Monterey Park	27	299	11 07
Pasadena	110	1,290	11 73
Pomona	48	428	8 92
Redondo Beach	39	280	7 18
San Fernando	14	110	7 86
San Gabriel	22	182	8 27
San Marino	13	156	12 00
Santa Monica	75	708	9 44
Signal Hill	4	109	27 25
South Gate	51	397	7 78
South Pasadena	18	143	7 94
Torrance	67	547	8 16
Vernon	[3]		
West Covina	29	164	5.66
Whittier	32	347	10 84
Consolidated—Los Angeles County	[4]1,080	6,989	6 47

SOURCES. [1] Population figures from Roster of Federal, State, County and City Officials of the State of California, 1956 Compiled by Frank M Jordan, Secretary of State, in cooperation with League of California Cities

[2] See Table V

[3] Vernon, total population 417 Per capita data omitted because of nature of city

[4] Estimate of Los Angeles County Fire Department.

Table VIII, which follows, ranks these fire departments according to the estimated per capita costs set forth in Table VII.

It will be noted from both of these tables, that the estimated total per capita costs of actually operating these fire departments ranges from $5.63 to $29 86, excluding Vernon, which is not considered here because of its unique nature, involving a population of 417 and a highly industrialized community.

TABLE VIII

RANKING BY ESTIMATED PER CAPITA COST OF OPERATING FIRE DEPARTMENTS—1956-1957

City	Per capita estimated cost of operating fire department	Rank (lowest per capita first)
Claremont	$5 63	1
West Covina	5 66	2
Manhattan Beach	5 81	3
Lynwood	5 96	4
Glendora	6 00	5
Maywood	6 08	6
Consolidated—Los Angeles County	6 47	7
Redondo Beach	7 18	8
South Gate	7 78	9
San Fernando	7 86	10
South Pasadena	7 94	11
Torrance	8 16	12
San Gabriel	8 27	13
Arcadia	8 69	14
Pomona	8 92	15
Azusa	8 93	16
Monrovia	9 04	17
Santa Monica	9 44	18
Compton	9 59	19
Bell	10 19	20
Inglewood	10 17	21
Huntington Park	10 82	22
Whittier	10 84	23
Los Angeles City	11 07	24.5
Monterey Park	11 07	24 5
Gardena	11 19	26
Montebello	11 22	27
Alhambra	11 30	28
Long Beach	11 53	29
Glendale	11 64	30
Pasadena	11 73	31
San Marino	12 06	32
Culver City	12 19	33
Burbank	14 65	34
El Segundo	14 92	35
El Monte	15 75	36
Hawthorne	17 88	37
Beverly Hills	21 79	38
Signal Hill	27 25	39
Covina	29 86	40
Vernon—Unranked per capita	-----	----
Average estimated per capita cost of operating fire departments	----------	$11 07

SOURCE See Table VII

Table VIII shows that the average estimated per capita cost of operating these fire departments is $11 07. If the four cities (Signal Hill, Covina, Claremont, and West Covina), representing the two extremes at the top and bottom of these ranges, are excluded from this average computations, it becomes $10.40 average per capita cost instead of $11.07.

The reason for Covina's high cost has been explained heretofore. In the case of Signal Hill, the reason is that this is a relatively highly industrialized community with a very small population. The low per capita costs for Claremont and West Covina are due largely to the

fact that they are almost completely residential communities with relatively high population in proportion to their nominal assessed valuations and fire protection needs.

It is significant to note that even if we consider the average per capita costs after eliminating the two extremes from the top and bottom (i.e., $10.40), per capita costs in the Consolidated District are only $6.47 and in the Los Angeles City Fire Department, $11.07. The Long Beach Fire Department has an estimated per capita cost of $11.53.

7. **Adjustments for Excessive Capital Outlay.** As previously noted, one of the problems rendering cost comparisons between cities difficult, is the difference in methods and policies of financing large capital outlay expenditures. In some cities, said expenditures are financed fully during the fiscal year by appropriating lump sum funds out of general reserves or capital outlay reserves. In other cases, sinking funds are established with a certain amount of funds being set aside each year to finance large capital outlay appropriations as needed. These sinking funds have the effect of amortizing such expenditures over a period of years, rather than placing a disproportionate budgetary burden during one fiscal year. There are several cities where the policy calls for the floating of bonds to finance such expenditures. These bonds are usually on a 20-year term basis and the payment of principal and interest to redeem these bonds is spread over a 20-year period, or whatever period the bond term calls for.

In gathering the data contained in Table IV, it became clear to the committee making the survey that there were several city fire departments whose capital outlay expenditures during the current fiscal year definitely indicated unusually high appropriations, which would probably not be incurred to as large an extent during the next few years. The two most obvious cases of this involved Burbank and Compton, where fire department headquarters buildings are being constructed during this fiscal year. Whether adjustments should be made to compensate for this is debatable, and for whatever it may be worth, we have considered the problem and presented a possible method of applying an adjustment factor.

However, particularly with regard to appropriations for fire station construction or remodeling in growing communities, it is difficult to determine what could be considered excessive outlay during a particular fiscal year, since it is reasonable to assume that new station construction will continue in varying degrees for several years in these growing communities.

Large capital outlays also occur from time to time in the case of purchase of new fire fighting equipment and apparatus. However, it was found that in the only significant cases where this occurred, bonds were floated so the budgetary effect on any one fiscal year is not distorted. This was also true in the case of new fire alarm systems, except in the case of Hawthorne where that factor, plus construction and remodeling of fire stations, resulted in a very high capital outlay appropriation for this fiscal year proportionate to the total budget.

Relative to appropriations for construction or remodeling of fire department headquarters buildings and fire stations, including costs of land, plans and architects' fees, it was determined that whenever the budgetary cost exceeded 15 percent of the total actual cost of operating the fire department for the fiscal year, this was considered as excessive. This principle was adopted, regardless of whether the appropriation was found in the fire department budget or other budgets or funds, since it reflects part of the total estimated actual cost of operating the fire department in either case as per Table V.

The line was drawn at 15 percent on the basis that this seemed reasonable in weighing the various factors involved, such as normal budgetary principles relative to the relationship of capital outlay to total budgets, recurring annual construction and other capital outlay needs in a growing department, etc.

In determining those cities which exceed 15 percent in capital outlay appropriation, and in determining the amount of such excess, only capital outlay for construction purposes was considered, including costs of purchase of land sites, plans and architects' fees. Appropriations for fire equipment or apparatus were not added to these other excess capital outlays because the budgeted appropriations for the latter were not unusually high and could reasonably be expected to recur year after year in similar amounts. Generally speaking, it was only where one or two specific purchases in themselves constituted a large expenditure, not likely to recur year after year, that it was included for measurement against the 15 percent formula.

In determining the adjustment formula to correct for these excessive capital outlay appropriations for fire department purposes, we assumed a reasonable amortization would be a 20 year period. Therefore, one-twentieth of the excessive capital outlay budgeted became the adjusted capital outlay expenditure for 1956-57. Adjusting for amortization over a 20-year period was adopted since that represents the approximate average in cities where methods of amortization are in effect. It also reasonably takes into consideration the longer than 20-year life of the structure, weighed against the fact that similar large expenditures could be expected in most cases within less than 20 years' time While the adoption of this formula might seem to be inconsistent with the 15 percent yardstick which was used to determine cases where an adjustment was warranted, we believe that this represents the most practical possible application considering all factors.

On the basis of the above, it was found that nine of the 40 incorporated cities had excessive capital outlay budgeted appropriations for this fiscal year. The adjustment applied for these cities is set forth in Table IX. The effect of that adjustment on the cost of operating the respective fire departments per $100 of assessed valuation and per capita is set forth in Table X.

TABLE IX

ADJUSTMENT FOR EXCESSIVE CAPITAL OUTLAY BUDGETED EXPENDITURES FOR FIRE DEPARTMENT PURPOSES IN NINE INCORPORATED CITIES—1956-1957

(000 omitted)

City	Amount of excessive capital outlay budget in 1956-1957 (1)[1]	Adjusted expenditure for 1956-57 if amortized over 20 years (Col 1 + 20) (2)	Total estimated actual cost of operating fire dept. before adjustment (3)[2]	Amount of reduction in cost to adjust for excess capital outlay (Col 1 — Col 2) (4)	Adjusted estimated actual cost of operating fire dept (Col 3 — Col 4) (5)
Bell	$59	$3	$163	$56	$107
Burbank	534	27	1,289	507	782
Compton	190	10	537	180	357
Covina	78	4	209	74	135
El Segundo	30	2	179	28	151
Gardena	72	4	235	68	167
Glendale	260	13	1,280	247	1,033
Hawthorne	100	5	286	95	191
Monterey Park	73	4	299	69	230

SOURCES: [1] From Table IV or city fire department budget.
[2] See Table V

TABLE X

ADJUSTED TOTAL FIRE DEPARTMENT OPERATING COSTS PER $100 ASSESSED VALUATION AND PER CAPITA IN NINE INCORPORATED CITIES 1956-1957

(000 omitted)

City	Net total secured and unsecured assessed valuation (1)[1]	Adjusted estimated actual cost of operating fire dept (2)[2]	Total adjusted cost of operating fire dept. per $100 assessed valuation (Col 2 + Col 1) (3)	Population (4)[3]	Total adjusted per capita cost of operating fire dept (Col 2 + Col 4) (5)
Bell	$14,903	$107	$0 72	16	$6 69
Burbank	192,710	782	.41	88	8 89
Compton	65,097	357	55	56	6 38
Covina	19,666	135	.69	7	19 29
El Segundo	103,772	151	.15	12	12 58
Gardena	30,228	167	.55	21	7 95
Glendale	171,055	1,033	60	110	9 39
Hawthorne	39,241	191	49	16	11 94
Monterey Park	32,289	230	71	27	8 52

SOURCES [1] See Table V
[2] See Table IX
[3] See Table VII.

The effect of this excessive capital outlay adjustment in these nine cities may be summarized as follows insofar as costs of operating the respective fire departments per $100 of assessed valuation are concerned:

City	*Cost per $100 assessed valuation before adjustment*	*Cost per $100 assessed valuation after adjustment*	*Difference*
Bell	$1.09	$0.72	$0.37
Burbank	.67	.41	.26
Compton	.83	.55	.28
Covina	1.06	.69	.37
El Segundo	.17	.15	.02
Gardena	.78	.55	.23
Glendale	.75	60	.15
Hawthorne	.73	.49	.24
Monterey Park	.93	.71	.22

The average effect of this adjustment on the nine cities is nearly 24 percent. The effect of this adjustment on the over-all average costs per hundred dollars of assessed valuation in the 41 cases would be over 5 cents, reducing the average from 60 cents (see Table VI) to below 55 cents. Four of the above nine cities would still fall above that average and three would fall below. Two would be average. The ranking set forth in Table VI would be considerably altered.

The effect of the above adjustment on average per capita costs may be summarized as follows for these nine cities:

City	*Per capita cost before adjustment*	*Per capita cost after adjustment*	*Difference*
Bell	$10.19	$6 69	$3.50
Burbank	14 65	8 89	5.76
Compton	9.59	6 38	3.21
Covina	29 86	19.29	10.57
El Segundo	14 92	12 58	2.34
Gardena	11.19	7.95	3.24
Glendale	10 98	9.39	1 59
Hawthorne	17.88	11 94	5.94
Monterey Park	11 07	8 52	2.55

The average effect of this adjustment on per capita costs in these nine cities is $4.30. The effect on the over-all average for the 41 cases would be a reduction of approximately $1, or from an average of $11.07 (see Table VIII) to approximately $10.07. The rankings in Table VIII would be altered considerably. However, three of the above cities would still fall above $10 07 and the remaining six cities would fall below $10.07.

It should be emphasized that there is a real question involved here as to whether or not any adjustment for this purpose is warranted, or should a smaller adjustment be made. It may well be argued that if the city policy is to *not* amortize the effect of large capital outlay appropriations, the total capital outlay costs of fire department operations for the fiscal year, as reflected in the various departmental and general budgets or funds, should be accepted without adjustment. Most previous studies that we have examined do not attempt to adjust for excessive capital outlay expenditures. The pros and cons of this question should be weighed carefully.

8. **Relationship Between Size of City, Fire Department Operating Costs and Fire Department Class.** Some authorities have published findings which would indicate that on a national basis: (a) per capita costs of operating fire departments are higher for the large cities than for the small cities; (b) per capita costs keep increasing by size of city from 10,000 population up to 250,000 population and then tend to level off; and (c) the fire department class is lower in the cities over 25,000 population than in those between 10,000 and 25,000 in population.

The data set forth earlier in this section of our study for 40 incorporated cities in Los Angeles County and the Consolidated Fire Protection District result in somewhat different findings, relative to (a) and (b) above, but similar findings in the case of (c). It is believed that the reason for the differences is that our data endeavors to reflect total actual operating costs for these departments rather than the stated fire department budgets. The latter have been used on the basis for most, if not all, of the published findings mentioned above. Moreover, the situation in Los Angeles County may differ from the over-all national picture for many reasons.

Table XI through XV set forth certain cost and fire department class comparisons for these 41 fire departments, divided according to population in accordance with the division usually applied by authorities in making similar comparisons.

TABLE XI

COST AND FIRE DEPARTMENT CLASS COMPARISONS

INCORPORATED CITIES IN LOS ANGELES COUNTY WITH UNDER 10,000 POPULATION [1]

City	Cost per $100 assessed valuation[2]	Per capita[1]	Fire dept. class[3]
Claremont	$0 40	$5 63	6
Covina	1 06	29 86	5
El Monte	70	15 75	5
Glendora	37	6 00	7
Signal Hill	32	27 25	5
Vernon	27	None computed	6

SOURCES [1] See Table VII.
[2] See Table V
[3] Board of Fire Underwriters of the Pacific and the International City Manager's Association, "Municipal Yearbook," 1956 edition (Based on gradings of National Board of Fire Underwriters)

TABLE XII

COST AND FIRE DEPARTMENT CLASS COMPARISONS

INCORPORATED CITIES IN LOS ANGELES COUNTY WITH 10,000-25,000 POPULATION [1]

City	Cost per $100 assessed valuation[2]	Per capita[1]	Fire dept. class[3]
Azusa	$0 58	$8 93	6
Bell	1 09	10 19	5
El Segundo	17	14 92	5
Gardena	78	11 19	8
Hawthorne	73	17 88	3
Maywood	68	6 08	6
San Fernando	59	7 86	5
San Gabriel	59	8 27	4
San Marino	43	12 00	5
South Pasadena	56	7 94	5

SOURCES [1] See Table VII
[2] See Table V
[3] Board of Fire Underwriters of the Pacific and the International City Manager's Association "Municipal Yearbook," 1956 edition (Based on gradings of National Board of Fire Underwriters)

TABLE XIII

COST AND FIRE DEPARTMENT CLASS COMPARISONS

INCORPORATED CITIES IN LOS ANGELES COUNTY WITH 25,000-50,000 POPULATION [1]

City	Cost per $100 assessed valuation[2]	Per capita[1]	Fire dept class[3]
Arcadia	$0 48	$8 69	5
Beverly Hills	42	21 79	3
Culver City	60	12 19	3
Huntington Park	62	10 82	4
Lynwood	51	5 96	4
Manhattan Beach	71	5 81	6
Montebello	65	11 22	5
Monterey Park	93	11 07	6
Pomona	57	8 92	7
Redondo Beach	44	7 18	6
West Covina	40	5 66	8
Whittier	69	10 84	5

SOURCES [1] See Table VII
[2] See Table V
[3] Board of Fire Underwriters of the Pacific and the International City Manager's Association, "Municipal Yearbook," 1956 edition (Based on gradings of National Board of Fire Underwriters)

TABLE XIV

COST AND FIRE DEPARTMENT CLASS COMPARISONS

INCORPORATED CITIES IN LOS ANGELES COUNTY WITH 50,000-100,000 POPULATION [1]

City	Cost per $100 assessed valuation[2]	Per capita[1]	Fire dept. class[3]
Alhambra	$0 69	$11 30	4
Burbank	67	14 65	3
Compton	83	9 59	3
Inglewood	67	10 70	3
Santa Monica	42	9 44	3
South Gate	54	7 78	4
Torrance	44	8 16	6

SOURCES [1] See Table VII
[2] See Table V
[3] Board of Fire Underwriters of the Pacific and the International City Manager's Association, "Municipal Yearbook," 1956 edition (Based on gradings of National Board of Fire Underwriters)

TABLE XV

COST AND FIRE DEPARTMENT CLASS COMPARISONS

INCORPORATED CITIES IN LOS ANGELES COUNTY WITH 100,000-250,000 POPULATION [1]

City	Cost per $100 assessed valuation[2]	Per capita[1]	Fire dept. class[3]
Glendale	$0 75	$10 98	3
Pasadena	64	11 73	2

INCORPORATED CITIES IN LOS ANGELES COUNTY WITH 250,000-500,000 POPULATION [1]

City	Cost per $100 assessed valuation[2]	Per capita[1]	Fire dept class[3]
Long Beach	$0 71	$11 53	3

INCORPORATED CITIES IN LOS ANGELES COUNTY WITH OVER 500,000 POPULATION [1]

City	Cost per $100 assessed valuation[2]	Per capita[1]	Fire dept class[3]
Consolidated—Los Angeles County	$0 57	$6 47	Varies
Los Angeles (City)	67	11 03	1

SOURCES [1] See Table VII.
[2] See Table V
[3] Board of Fire Underwriters of the Pacific and the International City Manager's Association, "Municipal Yearbook," 1956 edition (Based on gradings of National Board of Fire Underwriters)

Table XI shows that there is a wide variation among these six small cities relative to cost per $100 of assessed valuation and per capita costs The range on estimated total operating costs per $100 of assessed valuation is from 27 cents to $1.06. If the adjustment factor for excessive capital outlay is considered in the case of Covina's $1 06 cost, the range would still be from 27 cents to 70 cents. On per capita, the range is from $5.63 to $29.86 or between $5.63 and $27.25 if Covina is reduced through use of the excessive capital outlay formula. These wide ranges would seem to indicate that there is little correlation between size of the city and actual operating costs of the fire departments. The most significant factor revealed by Table XI seems to be that in all six cases, the fire department class is either 5, 6 or 7.

Generally speaking, the same conclusions can be made relative to cost variances in the case of Table XII. It should be noted that 4 of the 10 cities included in Table XII would be affected if the excessive capital outlay formula were applied. After such application, the cost per $100 assessed valuation range would still be from 15 cents to 72 cents and the per capita cost range would still be from $6.08 to $12.58. The fire department class ranges from 3 to 8 but the average is somewhat lower than in the smaller cities listed in Table XI. Contrary to national published findings, per capita costs in Table XII would average considerably less than Table XI, but if assessed valuation costs are considered, the opposite would be true.

Relative to Table XIII involving cities between 25,000 to 50,000 population, the cost per $100 per assessed valuation and per capita costs have a wide range, particularly the latter. The fire department classes range from 3 to 8, as in the case of Table XII Only one city in Table XIII, Monterey Park, would be affected if the excessive capital outlay adjustment factor were applied.

The most significant difference appearing when Table XIV is compared with Table XIII is that the average fire department class is significantly lower in the case of Table XIV. Of the seven cities listed in Table XIV, between 50,000 and 100,000 in size, there are four cases where the fire department class is No. 3, two cases where it is No. 4, and one case where it is No. 6 Burbank and Compton would be affected if the excessive capital outlay adjustment is applied.

In the case of Table XV, which contains the data for all cities above 100,000 in population, they seem to have a slightly higher cost per $100 of assessed valuation and per capita costs than most of the smaller cities, with the exception of the Los Angeles County Consolidated Fire Protection District, where said costs are lower than average. Most significant of all would seem to be the fact that the fire department class is 1, 2 or 3 in all cases of these large cities, except the Consolidated District where the class varies. Only one city in this grouping would be affected by the excessive capital outlay adjustment, i.e., Glendale.

It is submitted that the most significant conclusion that can be drawn from these tables is that there seems to be a substantial correlation between the size of the city and its fire department class. The larger cities tend to have a lower class grading. On the other hand,

there is very little correlation between the actual costs of operating fire departments and the size of the city they are serving. This indicates that, generally speaking, with very little added cost, if any, the larger fire department tends to give considerably more effective and more efficient fire protection.

C. PRESENT FIRE PROTECTION DEFICIENCIES

1. **Inefficient Responses.** Perhaps the most fundamental problem resulting in numerous inefficient responses is that the closest apparatus cannot always be sent to a specific fire, due to the municipal boundary line and the odd shapes of many cities within the county (see Chart B for examples). As has been pointed out heretofore, the greater portion of the Los Angeles metropolitan area is crisscrossed with the boundary lines of 48 cities and many unincorporated communities. Many jurisdictions are of such odd shape (see Chart B) that they are extremely difficult to protect adequately.

When a fire is called in, it is given to the city in which the fire is located, and this city dispatches its own equipment and manpower to extinguish it. In many cases, engine companies are responding as much as 1½ to 2 miles to a fire that might be located within a few blocks of an adjoining city's station. This results in: (1) a needless cost to the taxpayer; (2) the possibility of unnecessary loss of life of persons trapped in burning buildings; (3) a greater fire loss for the property owner that has to wait for help to arrive—help that could have been there much sooner if the nearest equipment and men were allowed to respond.

2. **Inefficient Station Locations.** Today each city in the county, except four (Lakewood, Baldwin Park, Dairy Valley and La Puente which contract with the county), maintains a fire department. Only the stations in a particular city can be counted on as fire protection for that city by the National Board of Fire Underwriters.[1] There are some cases where fire stations of different cities are located or will be located (proposed stations) only blocks apart. Using National Board of Fire Underwriters' suggested distance as the measuring stick, this is costly overcoverage of the area, but is technically mandatory for the city in order to obtain the best fire insurance rate.

It is also quite common to see fire equipment from one city, while responding to a fire, pass the front door of a fire station in another city in order to reach the far corner of their jurisdiction (see Map 5). Such activities are baffling to the uninformed citizen, but to the informed, it is even more baffling that something hasn't been done to correct this obvious waste of valuable emergency time and money before now.

There are countless shoestring strips of land, islands, or just plain oddly shaped cities that cannot be protected adequately due to the great financial burden it would place on the area. An example is the "shoestring strip" of Los Angeles City, stretching from 120th Street to Lomita Boulevard, which is approximately one-half mile wide and nine miles long. The strip is difficult for the Los Angeles City Fire Department to cover properly. They must ignore fire stations in adjacent

[1] The International City Managers' Association, *Municipal Fire Administration* (Chicago, I C M A., 1950), pp 437-57

cities, since they will not respond unless called for under mutual aid agreements. Therefore, they have located a fire station near each end of the strip, both of which could be used far more efficiently if the closest engine company could respond regardless of jurisdiction.

3. **Communications.** Another important function that needs revision is the communications system used by fire departments in Los Angeles County. In 1953, there were 12 separate fire department radio frequencies and 17 police radio frequencies;[2] a total of 29 different frequencies in use by fire departments in Los Angeles County. Five cities had no radio communications on their mobile equipment when the current survey was conducted.

The Federal Communications Commission allocates a certain part of the wave band for emergency use. Fire departments are presently having difficulty getting new frequencies due to the number already in use here.

When more than one city sends equipment to a large fire, there is often no radio contact between fire companies (and the chief officers directing the operation), due to the fact that they are on different radio frequencies. Some of the small cities share frequencies and therefore have good communications, but only when they are working in each other's jurisdictional area.

The problem of radio communications affects efficiency in many cases. The present system has proven to be inadequate and in need of revision due to the increased interjurisdictional use of fire equipment. It is often impossible to direct incoming equipment by radio and thus fire-fighting strategy is seriously impeded. An example of the latter was the interjurisdictional fire at Warner Brothers Studios and La Tuna Canyon.

The reporting of fires by the public is another problem which is closely allied with the above-described situation. The majority of fire alarms are given by telephone. Because of the patch-work layout of cities and unincorporated areas, many citizens do not know the proper jurisdiction to call in the event of fire. In many cases, the telephone company emergency operators do not know which fire department has jurisdiction when a call for help is received. Therefore, the call is many times given to the wrong city due to confusion on the part of either the citizen or the operator, or both. An unnecessary delay results while time is taken by the fire department receiving the alarm to look up the proper city and relay the call.

The receipt of an alarm is often juggled about between several cities before the fire is reported to the correct fire department. Telephone operators cannot help in this situation since many times telephone exchanges overlap cities. An example of this is the Crestview exchange, which predominately covers the City of Beverly Hills. This exchange also includes the unincorporated area of West Hollywood, and part of the City of Los Angeles. If a fire in Los Angeles County territory is telephoned in on a Crestview phone, the emergency operators will usually relay the call to the Beverly Hills Fire Department if they are not definitely told that the fire is in county area by the citizen. When the Beverly Hills Department determines the fire is not within their

[2] *Public Safety Communications Systems*, Communications Engineering Magazine, 1953 edition, pp 2-5, 56-57.

city, the call might be relayed to the Los Angeles City Fire Department which, in turn, would have to relay the call to the county fire department dispatcher before action is initiated.

4. **Apparatus and Equipment.** In the State of California, there is a Fire Equipment Standardization Act, which has been adopted to establish technical uniformity among fire departments so that cooperation is possible and effective. It designates the standards of the National Board of Fire Underwriters as standard for the State, and all public agencies must conform.[3]

However, this act standardizes only such things as hose coupling sizes, type of threads, hydrants, etc., and does not take into consideration the standardization of other important items such as types of equipment carried on apparatus, location of equipment, quantity of hose, quantity of water, etc. There is no doubt that further standardization of this type is extremely desirable if numerous cities are compelled to work together on the same fire in a efficient manner.

At the present time, apparatus arriving at a fire is often something of a mystery to firemen of other cities as each city chief has his own ideas on how to equip his apparatus. The problems than can arise as a result of this situation can be seen in a response by different cities to a large brush fire. For example, the chief in charge of such a fire does not know if he can rely on another city's apparatus if he should desire to send it, by radio, to an isolated location of the brush fire. He must know if the apparatus carries sufficient water if there is no water available at the scene. He should also know if they carry sufficient hose of the size needed for this type fire; also, sufficient shovels, nozzles, etc. Nonstandardization of equipment can make smooth operation in fighting a large fire very difficult.

5. **Training.** The increasing use of intermunicipal fire protection brings out the need for standardization of training for firemen. There is a serious lack of such standardization in regard to fire-fighting methods and techniques. Men cannot work efficiently side by side on a fire if they are trained to do the job in a different way.

Very few departments can afford to have a complete training program. In fact, only 11 departments in Los Angeles County have formal training programs. The other 34 departments send their men directly to fire stations for duty without having been trained, and then do their training between fires and work periods. The larger departments have from 2 to 10 weeks of formal training for recruits. The fundamentals of fire fighting are learned before active duty. Since all firemen in Los Angeles County work under similar conditions at a fire, it seems incongruous that they are not all trained to do an expert professional job of fire fighting.

Very few cities have any type of formal training program for positions higher than firemen. Therefore, it follows that there are many fire officers in the metropolitan area who lack professional training, although they may be qualified from a practical standpoint through experience. However, the lack of professional training could show up in

[3] James R Donoghue, *Intergovernmental Cooperation in the Los Angeles Area* (Los Angeles. Bureau of Governmental Research, U C, 1943).

an extreme emergency, and could be very serious to those depending upon them to carry their portion of the supervisory and executive load.

6. **Pay, Hours, and Retirement Systems.** There are many salary inequities between fire departments within the County of Los Angeles. It is undoubtedly difficult for the small city to recruit good firemen at $295 per month, when an adjacent larger city starts their firemen at a salary of $395 per month. Therefore, the small city must often take men not qualified for the larger departments, and when they do get good men, they have trouble keeping them. This is not to say that all firemen in the large departments are a better class employee than their counterpart in the small city, as other things could enter into the recruitment picture, such as closeness to home or job openings at a conducive time. Top pay for firemen in Los Angeles County varies $130 a month from the lowest to the highest of the paid departments.

At the present time, work weeks of fire departments vary from 60 to 72 hours per week throughout the county. The smaller departments seem to work longer hours than the larger departments. The average hours worked per week is approximately 67.5 in fire departments within Los Angeles County. As pointed out heretofore, the County of Los Angeles is no longer composed of a number of separated cities, but is now a closely knit metropolitan area. Therefore, it seems reasonable that all firemen should work the same hours and receive the same amount of compensation for doing the same type of work.

Retirement systems also vary between cities. However, the majority (approximately 35 cities) subscribe to the California State Retirement System. There are only three fire departments that have their own retirement systems: Los Angeles City, Los Angeles County, and Pasadena. A fourth, Long Beach, now uses the State Retirement System, although a considerable number of employees are still under the old Long Beach system. The City of West Covina is covered under OASI, and the Cities of Claremont, Glendora, and Maywood are also presumed to be in this system. Of course, the volunteer fire departments in the cities of La Verne, Sierra Madre, and Palos Verdes Estates have no paid employees to cover.

Several cities have shown a desire to contract with the County of Los Angeles for fire protection, but have had to be turned down because of retirement differences. These cities were under the State Retirement System, and it was found that no provision is made by the State to transfer the city's portion of the costs for retirement to any other retirement system. The State will release only the member's contribution plus interest. The difference, therefore, must be made up by each fireman. Transfer of these employees to the Los Angeles County Fire Department was not feasible since it would have placed too large a financial burden on the employee and/or the city.

7. **Fire Prevention.** Fire prevention is a function which needs a great deal of expansion over the present coverage in the metropolitan area of Los Angeles. Normally speaking, it has been given light treatment in the smaller city fire departments. Few fire departments, if any, other than Los Angeles City, have 100 percent coverage At the

present time, even the larger departments have trouble keeping experienced men in their fire prevention bureaus. This is mainly due to the fact that after one or two years in the bureau, the men have gained added seniority and experience to qualify for higher positions. But these positions are not usually available in the bureau as they now stand.

As a result, the bureaus are undergoing a tremendously high turnover when the experienced men in the bureaus take advancement examinations and go back into the fire-fighting forces. Inexperienced men are required to step into these jobs. This results in embarrassing and sometimes costly experiences, public relationswise.

For example, an inexperienced man may be required to consult with a business executive in a large industry. If the inexperienced and unqualified fire prevention man has to make highly technical decisions which have direct bearing on the spending of thousands of dollars, disastrous reactions could result, affecting both the fire prevention cause and public relations with the industry.

Needless to say, vast improvements in fire prevention activities would result with the inception of a metropolitan fire department.

Below is a small table of figures based on approximate requirements as set forth in Municipal Fire Administration, one fire prevention inspector for each 20,000 population.[4] All fire departments in Los Angeles County were put into one of the four following categories:

Number of departments that could be rated excellent	1
Number of departments that could be rated good	19
Number of departments that could be rated poor	14
Number of deparments without a fire prevention bureau	12

[4] *Municipal Fire Administration* (The International City Managers' Association, 1950), p. 352

CHAPTER III

PREVIOUS STUDIES OF METROPOLITAN AREAS

Early studies have shown that metropolitan areas need centralized departments in order to give better and more efficient services at reasonable costs. Research has disclosed many cases, some dating back to the early part of the century, which point out the need for consolidated functional jurisdiction of vital and necessary public services

Research also uncovered records of these studies made during the early thirties in Milwaukee County, Wisconsin; Hudson County, New Jersey; and in Los Angeles County, California A brief account of these studies will be given in this chapter

World War II made necessary, to a large extent, consolidation of functional jurisdictions in all parts of the world. These consolidations were, for the most part, not made in a completely cooperative and coordinated manner. Nevertheless, the consolidations were made; and strangely enough, they proved very satisfactory, even under extreme war conditions Such an example was the British Fire Service Their findings were studied and, in many cases, used to great advantage by researchers in this field in the United States.

An example of what may be required of the fire service in the event of another war was given by Chief A. H. Johnstone, CBE, of England " * * * the fire situation which may result from the explosion of a nominal type atomic bomb could require something over 1,000 fire streams to be brought into operation without too much delay if the resulting fire situation was to be effectively contained and controlled To achieve this, the water supply required would be of the order of 6,000,000 imperial gallons each hour; and to maintain this, and after allowing for relays of water over varying distances, the number of pumps required might well exceed 1,000 "[5]

It is unfortunately possible that this situation could exist in the metropolitan area of Los Angeles County.

With all these thoughts in mind, we have searched into every avenue possible to explore detailed findings in this connection It is with this aim in mind and with an attitude of efficiency and improvement that we submit the following case studies on the subject.

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[5] *International Association of Fire Chiefs, Proceedings of the 80th Annual Conference*, an address by Chief A H Johnstone, CBE (Surrey, England), September 16, 1953, pp 118-126

EXHIBIT 1

PROBLEMS OF OTHER AREAS RELATED TO LOS ANGELES COUNTY FIRE DEPARTMENT CONSOLIDATION

City of Miami and Dade County, Florida

The City of Miami, Florida, and many smaller cities in Dade County, had been attempting to solve intermunicipal problems for several years prior to the consolidation proposal. No significant progress had been made due to a combination of conflicting political interests, established vested interests, and "civic buck passing." The Dade County Research Foundation, a privately sponsored organization, proposed that the only solution to the problems of the Miami metropolitan area was city-county consolidation. The foundation recommended that the City of Miami be abolished by repeal of its charter and that the name of Dade County be changed to the City and County of Miami. This proposal would have, in effect, reduced the present City of Miami to a taxing district with no governmental functions of its own.

The consolidation proposal failed at the polls primarily because of inadequate publicity and opposition from vested interests, including officeholders. It is probable that another vote on consolidation will be held in another 10 or 15 years.

(SOURCE: "The Truth About City-County Consolidation," *News Letter*, of the Dade County Research Foundation, March, 1953.)

Toronto and Its Metropolitan Municipality

From 1945 to 1951, the population of the greater metropolitan Toronto area increased approximately 70 percent. The 13 cities in York County have had common municipal service problems. In 1946, one of the suburban municipalities petitioned the Ontario Municipal Board to create an area of authority consisting of Toronto and most of its suburbs for the joint administration of schools, police and fire protection, and other specified services. In 1953, following a year of hearings, the Ontario Municipal Board, which acts somewhat like a United States court, reached the following decisions:

1. All 13 cities have common problems; they must stand or fall together.
2. Metropolitan needs cannot be adequately provided without some degree of centralized control.
3. Creation of special districts or consolidation has several disadvantages.
4. The board recommended a federated state.

Subsequently, the Metropolitan Municipality Act was passed. It created a federation of 13 cities, including Toronto. Each city retains its individual autonomy. The federation performs all regular county functions. The practical effect of the act was to create a new county within York County. The present York County is reduced to 13 percent of its original population.

The new federation performs the following major functions: assessment, sewage disposal, arterial highways, fire protection, planning and zoning, and public transportation.

(SOURCE: *News Letter*, of the Dade County Research Foundation, April 18, 1953.)

City and County of St. Louis, Missouri

The City and County of St. Louis, Missouri, face problems common to areas in transition from rural to urban. The City of St. Louis has for many years prior to the date of this study, provided municipal services to the outlying small cities and unincorporated areas. Fire services have been provided through the creation of the Office of Fire Marshal and Fire Protection Districts.

The 96 separate municipalities in St. Louis County have to cope with problems of administration of municipal services that are as complex as those found anywhere in the Nation. The 1955 study conducted by the St. Louis County Planning Commission recommended the following:

1. Either a metropolitan federation which would integrate municipal functions common to the county as a whole but allow all municipalities to keep their sovereignties.
2. Or functional unity of the cities and county to provide a solution of joint municipal problems.

This study was completed in 1955. To date no specific action has been taken on these recommendations.

(SOURCE: "Metropolitan Metamorphosis, published by the St Louis County Planning Commission, General Guide, 1955.)

Portland, Oregon, and the Surrounding Urban Areas

In 1954 there were 29 special fire districts with 16 fire departments (four operated by incorporated cities) providing fire protection for the greater Portland area. In addition, there were 35 separate water districts providing water to the 16 fire departments. Thus, a total of 64 special tax districts were involved in providing required fire services.

This obviously presents many problems that will increase in complexity as the area grows in population.

Prior to 1931 the City of Portland furnished fire services to the surrounding territories without formal contract. In 1934 the first fire district was established under state law. Although the status of the districts have changed many times—the basic problems remain. The separate districts are unable to provide local fire services and to assist other jurisdictions at the same time. The League of Oregon Cities recommended that special districts be annexed to the City of Portland as the best solution to the present problems.

(SOURCE: "A Report on the Development of Special Districts Providing Fire Protection in the Suburban Areas Adjacent to Portland, Oregon," by the Bureau of Municipal Research and Service University of Oregon, in cooperation with the League of Oregon Cities," June, 1954.)

Municipal Fire Department Services to Areas Outside of Corporate City Limits in North Carolina

In North Carolina, most major cities have contractual agreements with immediately adjacent areas. This study recommends the creation of special taxing districts as the most successful solution to the problem of providing fire services for metropolitan areas.

(SOURCE: "Municipal Fire Department Service to Areas Outside Corporate Limits," by the North Carolina League of Municipalities, Raleigh, North Carolina.)

Mutual Aid Plan in the State of New York

In the State of New York, permissive law authorizes each county to appoint a county fire advisory board and a county fire coordinator to administer a county fire mutual aid plan. This plan, in essence, allows mutual assistance between fire departments.

Generally, the plan provides for the following: The county fire coordinator provides training, communications, and other general staff services to all participating fire departments. When a fire-fighting unit voluntarily joins the county plan it is committed to offer all personnel, equipment, and physical facilities, consistent with local security, when called upon by the county fire coordinator. The fire department requesting and receiving aid is in charge of all units responding to the call for the duration of the emergency. A fire department may leave the mutual aid plan at any time.

In addition to the county mutual aid plan, New York State law also provides for intracounty mutual aid for fire-fighting services. Generally, the intracounty plan would be used only in the event of a major disaster.

(SOURCE: "Guide to Fire Mobilization and Mutual Aid Plans in the State of New York," By B. R. Townsand and L. C. Silvern, Executive Department of the Division of Safety, State of New York, Albany, 1954.)

City and County of Milwaukee, Wisconsin

There are 93 separate taxing units within Milwaukee County, including five cities, seven towns, and five villages. The first major study on county municipal services was completed in 1934. The study recommended that the long term goal should be to eliminate political boundaries within Milwaukee County for the rendering of local governmental services. Since political boundaries were disregarded by private enterprise while rendering economic services to the community, the same should be true with respect to the rendering of governmental community services. The study recommended that the County initially provide for the assessment of property, tax collection, election administration, health administration, parks, sewage system, courts, and fire protection. These recommendations were not accepted by the Legislature.

In 1936 a second report was made by the joint committee on consolidation. The committee recognized that consilidation of municipal services would be a slow, long range process. Limited progress has been made to date although agitation for consolidation continues.

(SOURCE: "A Report of the Joint Committee on Consolidation," Milwaukee, Wisconsin, 1936.)

The Chicago Suburban Area

Certain municipal activities of Winetka and other northern suburbs of Chicago, Illinois, are being provided at low cost by voluntary pooling of resources. This cooperative plan provides such services as fire protection, refuse disposal, and purchasing. The cooperative services are arranged for by contracts, informal agreements, and the establishment of special agencies.

(SOURCE: "Chicago Suburbs Cooperate for Municipal Services," National Municipal Review, 1940.)

Fringe Area Problems in the State of California

This 1953 legislative report reviews fire protection services provided unincorporated areas in four California counties—Sacramento, Kern, Napa, and Los Angeles. The report states that the creation of special districts, as a means for paying for fire protection services, is apparently most satisfactory Relationships between districts, cities, and counties present no particular problems in the administration of fire services.

(SOURCE: Final Report Covering Fringe Area Problems in the State of California," by the California Legislative Assembly Interim Committee of Municipal and County Government, March 27, 1953.)

Hudson County, New Jersey

In 1931, an investigation was made of fire protection in the County of Hudson, New Jersey. This investigation committee found that even though the area was densely populated and cities in the metropolitan area contiguous, "municipalities had to make provision for fire fighting on a scale which would be more nearly necessary and appropriate if outside assistance were not available." This resulted in a larger aggregate of men and equipment than would be required in the highest standards of fire protection if the entire urban area were regarded as more of a unit in the use of fire forces and equipment. "The smaller municipalities are ordinarily not able to pay for most expert services The small community is under the same handicap in the entire range of administration, but the consequences in the case of the proper direction and control of fire fighting may be particularly serious, since the municipal boundary line is not an impregnable fire wall."

It was also determined, by this committee, that outside aid has serious limitations due to the probability that aid will not be asked for until much damage has been done. "Great fires are comparatively rare but damage due to insufficiently prompt response is common. As outside aid actually operates, it is not at all the same thing as unity of fire protection administration, with a single alarm system and 'running cards' for every company in a region devised to meet instantly the great variety of demands for assistance in the whole territory."

Their recommendations were that the fire departments within Hudson County be consolidated. If the county was organized on a metro-

politan district basis, they estimated that there would be a savings of 45 percent per year in fire protection costs.

(SOURCE: The Commission to investigate County and Municipal Taxation and Expenditures, *Local Fire Protection Services and Costs* (Trenton: 1931) Report No. 4, pp. 21 and 23.)

The case studies set forth in Exhibit 1 involving other metropolitan areas throughout the United States indicate that consolidation of the fire protection services has been the commonly recommended solution to the problem of providing better and more efficient fire protection in these areas.

Also of significance is the fact that prior studies and reports concerning consolidation of the fire services, specifically in the Los Angeles metropolitan area, have been published by various groups dating back to 1935. Summaries of the findings and recommendations resulting from some of these studies are set forth in Exhibit 2.

Exhibit 3 summarizes recent modifications of legislation relative to consolidation of fire services.

EXHIBIT 2

CONSOLIDATION OF FIRE SERVICES IN THE LOS ANGELES METROPOLITAN AREA—PRIOR STUDIES AND REPORTS

1. 1935—Committee on Governmental Simplifications in Los Angeles

Concluded that no immediate effort should be made to centralize the administration of fire protection in the metropolitan area because of the local nature of fire protection. However, cities and unincorporated areas should be encouraged to cooperate by forming fire protection districts or by contracting with or annexing to existing districts.

2. January, 1944—California Taxpayers' Association

Stated that a unified administration of fire services would be more efficient and less costly than the then present system. However, the extension of fire protection to all areas would create a need for new stations, equipment and personnel, and such expansion could be financed only by increased tax rates. Though desirable, unification might cause the withdrawal of some districts from the system.

3. January, 1948—California Taxpayers' Association

Undertaken at the request of the State and Local Government Committee of the Los Angeles Chamber of Commerce, and recommended:

A. That the present trend toward consolidation of the fire protection districts be encouraged.
B. That the board of supervisors be encouraged to establish a strict policy that would discourage piece-meal annexation to and withdrawal from the districts.
C. That a county-wide fire department be considered only in connection with consolidation of other administrative functions, such as police, health, sanitation, etc.

4. 1952—Haynes Foundation—"Fire Protection"

Includes material from two reports of the Bureau of Governmental Research of the University of California released in May, 1943, and June, 1951.

Concluded that the establishment of a single fire protection district was highly desirable and that all trends in the last 30 years were directed toward such a district. Also, the great degree of cooperation between cities and districts and the leveling of fire protection needs throughout the metropolitan area indicated that a unified county-wide fire service is not only feasible, but is probably the most efficient and economical type of service available for this area.

5. October, 1952—"Consolidation of Fire Service"

Initiated proposals for permissive legislation—adopted in 1953 and 1955—which allowed cities to annex to fire protection districts without loss of employment rights to the individual fireman; and permitted resolution of operational, procedural, and beneficial differences between the districts and the fire warden department.

6. March, 1954—"Joint City-County Committee" Established to Study Consolidation of Overlapping Functions

The City and County of Los Angeles both established 15-man committees to work together and study the possibility of consolidating major functions. Special consideration was to be given to consolidating the city and county departments of health, fire protection, library service, and recreation and parks. Up to October, 1956, the fire service had not been studied.

EXHIBIT 3

RECENT MODIFICATIONS OF LEGISLATION PERTAINING TO CONSOLIDATION OF FIRE SERVICES

In 1953, Section 14540, the Health and Safety Code was amended to make optional whether territories formerly in a district, and then either annexed or incorporated or otherwise included within a city, could remain in the district. Under previous legislation, withdrawal from the fire protection district was mandatory when territory was included within the limits of an incorporated city.

In 1955, Section 14401 was amended to allow any city (sixth class or chartered city), or portion thereof, that is adjacent to a fire protection district to be annexed to such district. (Actually, all cities are or can be made adjacent to a fire protection district by annexation of intervening territories.)

In 1955, Section 14451 1 was created to transfer personnel into a district organization from a city to a position, the duties and qualifications of which are substantially the same, without examination and with protection of all seniority and other rights gained by previous employment for purposes of determining seniority rights and salary rates.

CHAPTER IV

A METROPOLITAN FIRE DEPARTMENT FOR LOS ANGELES COUNTY

A. ADVANTAGES

All indications seem to point to the fact that the solution to the problem of fire protection in the Los Angeles area is to consolidate the numerous municipal fire departments in Los Angeles County into a single metropolitan department.

"Los Angeles is fortunate in one respect, for it is unique among metropolitan areas in falling almost entirely within the jurisdiction of a single county. Fortunately again, this county is governed under a home rule charter which is broad in its provisions for the assumption and exercise by the county of municipal functions under the provisions of state laws."[1] At the present time, the county government administers assessment and collection of taxes on a contract basis for 41 municipalities; and all but five cities in the county have their principal health functions performed by the county—the cost of which is borne out of general county tax revenues. Unique in municipal government is the previously described City of Lakewood, which contracts with the county government for their major municipal services, including fire protection.

We believe that the advantages of placing the fire protection function under county-wide intermetropolitan administration far outweigh the disadvantages It is essential, during this time of high taxation, to re-evaluate our major municipal functions to see if they can be more efficiently performed on a metropolitan basis.

"In many highly urbanized counties perhaps the most effective arrangement for fire protection can be provided by consolidation of the fire departments within the county into one county department, administered by the county board. Such a plan has been suggested in Milwaukee County, in Los Angeles County, and in Hudson County, New Jersey. In each instance it was pointed out that tremendous savings would be possible both in fire fighting and in insurance costs by such consolidation. Consolidation in itself, however, may not be a remedy and does not automatically bring the economies possible."[2]

The survey recently conducted by the Federated Fire Fighters of California seems to indicate that the fire service administered as a metropolitan function in Los Angeles County would give increased fire protection. This increased protection could probably be given at the same or at a reduced cost for the majority of municipalities.

[1] George Bemis and Nancy Basche, *Los Angeles County as an Agency of Municipal Government* (Los Angeles, Haynes Foundation, 1946), p 1.
[2] International City Managers' Association, *Municipal Fire Administration* (Chicago. I. C M A., 1950), p. 76.

A current problem facing administrators in many of the metropolitan centers today is defensing these areas in the event of war It has previously been pointed out that in Great Britain, during World War II, fire services were proven to be inadequate and had to be reorganized on a county-wide basis. Los Angeles County has a civilian defense program, but as far as the fire service is concerned, problems would arise, similar to Great Britain's, that would prove the plan to be grossly inadequate. Principal factors that could invalidate the civil defense organization are: (1) fire departments in Los Angeles County presently operate with 29 different radio frequencies on their mobile equipment, and it is doubtful that a coordinated effort could be achieved by the Region 9 radio system, (2) insufficient and divergent procedures in training firemen on fire fighting methods and procedures; (3) equipment is not standardized; and (4) 46 fire departments and their chiefs would be very difficult to coordinate in time of national emergency fire conditions. All existing data indicate that the problem of fire protection, in the event of an atomic bomb attack, etc., could be greatly reduced by adoption of a metropolitan fire protection organization in Los Angeles County.

There are, however, numerous problems connected with consolidating the fire departments in Los Angeles County. None of these problems seem to be insurmountable, but some of them may require considerable study. Attempts could and should be made to work out many of these problems gradually, even before an attempt is made to carry out the actual consolidation plan. In the following material, an effort will be made to point out advantages, disadvantages, and possible solutions to problems connected with converting to a metropolitan fire department. Alternate methods of reorganization to ameliorate present conditions will also be presented.

1. **Increased Fire Protection.** Perhaps the most significant factor that would favor a single fire department in Los Angeles County is that equipment and men from the nearest fire station would automatically be sent to a fire, regardless of municipal boundary lines. It is often said that the first five minutes at a fire are worth the next five hours. Undoubtedly, many times each year, fire loss, and even loss of life, could be reduced if the nearest engine companies were sent to the fire.

Another major advantage of a metropolitan fire department is that all of the equipment and manpower required to control any type of fire, as well as multiple fires, would be available immediately. At the present time, initial response to the ordinary house or garage fire is relatively good in the small city, but when more than one fire occurs at the same time or when the fire is too large for their own equipment and manpower to handle, the small department must usually put in a rush call for mutual aid to their big city neighbors. The result is a delay in attacking the fire with sufficient equipment. Due to pride, help is often called only as a last resort—after the fire is beyond control by the city's own forces. A metropolitan fire department would provide automatic moveup coverage for an area where a fire is in progress, and if a large fire occurred, additional equipment and men could be dispatched almost as fast as the first alarm response.

It would be possible to have a greater array of specialized equipment in a county-wide fire department. Necessary ladder trucks, salvage trucks, forcible entry equipment such as hydraulic jack hammers, large volume pumping equipment, hose trucks with large diameter hose, large stream appliances, and many other pieces of like equipment—any one of which might be just the thing needed to stop the spread of a dangerous fire—could be used when and where needed. At present, equipment of this type is not always owned by or immediatly available to the small departments. Fire protection facilities in many areas would be greatly improved if this equipment could be strategically relocated ignoring boundary lines.

After consolidation has removed the boundary line, numerous areas would be overcrowded and a subsequent reorganization of fire station locations would therefore be made, insuring more effective and economical use of men and equipment. A number of fire stations are too close together (see maps), and could be relocated to the fast-growing outlying districts where they would do much more good. Men from some of the overmanned stations could be used to bolster the many small city stations that are now weak in this respect, without hiring any additional employees. This particular aspect of consolidation would most certainly save the taxpayer many thousands of dollars annually.

These are only a few of the ways in which fire protection costs can be reduced while fire protection is increased. Many other items enter the picture as "advantageous." One of these is the consolidation of the present systems of communication.

2. **Communications.** The present system of radio communications apparently is inadequate for intermunicipal fires in the metropolitan area. Chief officers in charge of communications for the two largest fire departments were interviewed to see if they had an answer to this problem.[3]

Both chiefs suggested the possibility of replacing the present 26 radio dispatching centers with a metropolitan system. One method would be to divide the county into areas to conform to the telephone company area sections—northwestern, central, northeastern, and southern. Definite prefixes would be assigned each alarm area, so that the telephone company operators would have no trouble routing the call to the correct dispatching center when the prefix was made known. All fire stations in each area would be connected to the dispatching center either by telephone or radio "selective calling" for quick dispatching to the scene of the emergency.

There is a possibility that more than five alarm centers would be needed, due to the large number of fire stations each center would have to serve. In this case, the additional alarm centers would take only part of a telephone section, but would still be assigned complete prefix areas. It does not seem likely that more than 10 alarm centers, and thus 10 frequencies, would be needed for the entire metropolitan system.

With the metropolitan system, an additional frequency to be used on a command basis by mobile equipment could readily be assigned

[3] Interviews with Chief Curtis Hart, Los Angeles City Fire Department, and Chief Lewis Mable, Los Angeles County Fire Department

for use during fire fighting operations. That is, if a large fire occurred that necessitated calling equipment from more than one alarm area, all equipment responding to that particular fire would be required to switch to the command frequency so that radio contact would be universal for all equipment on this "large" fire.

A metropolitan system of communications should greatly improve speedy response of equipment, and could be supported by each of the cities in the county on an equitable basis. The initial expense might be great if attempted all at a given time. However, if an area by area changeover was made through a period of several years, as present equipment became outmoded or worn out, the initial cost could probably be reduced considerably.

3. **Fire Prevention Activities.** One of the most important improvements in local fire protection would be in the fire prevention field. The adoption of a new standard fire prevention code for the entire County of Los Angeles would remove the present confusion on the part of the citizens due to the many differences in various municipal fire prevention codes now in use. Actually, fire prevention activities would not be too difficult to consolidate due to an active organization called the Southern California Fire Inspectors Conference. This organization has set up committees to study the specific functions of fire prevention—oil and petroleum, hospitals, sanitariums, schools, industrial concerns, etc. Inspectors from the various fire departments meet periodically to discuss their problems. Work is now in progress on a uniform fire prevention code, and the adoption of this code would probably be automatic by the Metropolitan Fire Department after consolidation.

A consolidated department would be able to carry out a much more comprehensive program with more specialization of employees in the technical aspects of fire prevention activities. It would be necessary to have a great many higher positions so that men well trained in fire prevention activities would not have to leave this vitally important activity in order to gain their promotions.

A large research unit could also be established to help the department reduce loss of life and property by devising newer and safer methods to reduce the danger of fire. This is vitally necessary today in view of the rapidly developing technical aspects of modern-day industry. Such a program is impossible for the smaller city to carry out by themselves, and yet, many of these cities have manufacturing areas that would benefit enormously by using such a research service.

On the basis of the Los Angeles City Fire Department's manpower requirements, in order to have 100 percent coverage, the county-wide metropolitan fire department would need in the neighborhood of 200 fire prevention men. This is compared with the 185 full- and part-time fire prevention bureau employees now active throughout the county. In order to cover the area with this minimum of 200 men, routine inspections and handling of complaints in homes and small apartments would have to be carried out by fire companies. This system is presently in use in the Los Angeles City and the Los Angeles County Fire Departments for home fire inspection programs. (See table on fire prevention rating at the end of Chapter II.)

The importance of this function was recently proved when a 70 percent reduction in emergency responses was directly attributed to efficient fire prevention activities.

4. **Training.** At the present time, many of the fire departments in Los Angeles County, such as Los Angeles City, Los Angeles County, Pasadena, Alhambra, Inglewood, Long Beach, and Glendale, have training facilities. A few of them, like Los Angeles County's Training Center, which is known as the most modern in the United States, have excellent facilities. The fact is, however, that with the exception of the Los Angeles city and county fire departments, they are used mainly by the city owning them.

Since these training centers are now located in different parts of the county, they could be immediately put into "area" use, by the surrounding engine companies, after consolidation took place The combined training facilities already in existence might be enough to train the entire metropolitan fire department.

A metropolitan fire department would not only be able to afford modern facilities, but could have expert instructors who would devote full-time to this important work The training program could consist of: (1) initial training of recruits, (a fire training school): (2) in-service training for fire companies at the "area" training centers; (3) all types of promotional study courses; (4) teacher-training courses designed to qualify the chief officers; (5) "fire college" courses for officers; and (6) training in fire department administration for officers looking toward executive positions.

The advantages the metropolitan fire department could realize in the way of training are:

1. Assurance of a better fire department grade by the National Board of Fire Underwriters, which requires a training tower in the fire department to be used for scheduled training of personnel and annual testing of apparatus and equipment in the department.

2. Adequate facilities provided for testing combat tactics concerning target hazards in industrial areas and watershed areas.

3 Recording statistical data for analyzing and computing trends for improvement.

Apparatus and personnel as a unit would be scheduled for in-service training on a rotating basis These units would be replaced in their jurisdictional area by a move-up system so that all stations are occupied by an apparatus and full complement of personnel.

Fire officers would be developed in fire prevention, fire tactics, administration, and human relations. This would be accomplished by classes, conferences and post-fire critiques held in the training center.

New personnel would be basically trained for a six-week period at the training center prior to being assigned to a unit. During this period, the new men are indoctrinated with all phases of work required of the professional fire fighter. Upon successful completion of their training, the new personnel would be graduated and assigned to regular units.

5. **Reduced Cost of Fire Protection.** Generally speaking, any type of correlation is almost impossible to arrive at when comparing per capita or assessed valuation costs of fire protection for different areas or cities. This point was discussed in Section II, Part B, of this report. Wide variances are bound to occur when low population—high value industrial communities are compared with high population —residential communities. Fire protection needs would also obviously be far different.

Regardless of these difficulties, it is still possible to point out how consolidation would result in definite savings in several instances. Some of these are brought out in more detail under the following headings.

a. *Savings in Administrative Costs.* Exact figures are debatable on how much could be saved in the way of administrative costs. The Los Angeles County and Los Angeles City fire departments have separate administrative divisions with complete setups for accounting, pay roll, personnel, etc. Many of the small city fire departments usually use the services of clerks, accountants, and other administrative specialists from larger city offices on a part-time basis. Therefore, a clerk in a small city might work two hours a day for the fire department, two hours for the police department, and four hours for the city manager. If there were a consolidated metropolitan fire department, the employee would work more for the other departments in the city. Few additional employees would have to be added to the consolidated administrative staffs of the larger fire departments that now have permanent administrative employees. They could undoubtedly service the many cities that have only one or two fire stations with no increase in personnel.

A metropolitan department this large would probably be able to take advantage of such time-saving devices as punchcard machines, microfilming of records, and many other time-saving office machines. There is no doubt that some savings could be effected by consolidating these functions, eliminating any duplication that might exist.

Large-scale purchasing would most likely result in the largest annual savings Purchasing lots of 25 triple-combination pumpers, in contrast to a small city's purchase of one, should save several thousand dollars on each piece of apparatus. Mass purchasing of other expensive items such as fire hose, fire equipment, etc., would result in similar discounts if purchased in the large quantities that would necessarily be ordered by a metropolitan department. Purchasing standard supplies such as paper towels, soap, brooms, etc , could be done much cheaper by a centralized purchasing department.

Another reduction would be brought about by quantity orders, and the use of standard forms, of printing supplies. At the present time, the larger fire departments spend many thousands of dollars annually for printing. Costs of numerous other items could be reduced in a similar manner.

In the above paragraphs, we have discussed, only in generalities, the savings in administrative costs that would be realized by the taxpayer. However, it should be pointed out, as indicated by the metropolitan fire department organization chart, that definite monetary

savings could be realized in the higher echelon administrative group with no sacrifice in administrative caliber or efficiency. In fact, the administrative potential of the new organization would far outmode that of existing organizations, with a substantial monetary saving in addition. Authorities in the field of public administration have long recognized the principles that economy and efficiency result from centralization and central purchasing. Examples of statements by these authorities on this subject are set forth in Appendix "B."

Another cost factor that should be mentioned at this time is the dual tax for fire protection that must be paid by many citizens in order to obtain a reasonable fire insurance premium rate. For example, there are many instances where a section of unincorporated area is annexed by a city with a Board of Fire Underwriters' grade that is not as good as the previous grade. Manufacturers and merchants have found that it is actually cheaper for them to pay the regular city tax, which includes fire protection, and also pay a fire protection district tax (when the city fire department is, for example, in class 7 and the district surrounding the area in class 2). In was found in some cases that hundreds of dollars could be saved in fire insurance costs, even after paying the double tax. However, it must be emphasized that this double taxation should not be necessary and consolidation would eliminate any need for this.

b. *Possible Fire Station Reduction.* In beginning this analysis, the first step taken was to locate all of the 293 present and 51 proposed fire stations on a wall map of Los Angeles County. Upon completion, an analysis was made to determine the areas that would best show fire stations located too close together after consolidation of the fire services had eliminated the boundary line. This analysis revealed that approximately 13 different examples showed promise of extreme station "overlap," which should result in fire station elimination. (See Exhibit 4 and Maps 1 through 13 which follow this subsection.)

The next step was to make a detailed study of each case. This was done, and the results are included in this study. Each fire station has two circles drawn around it. The smaller circle denotes three-quarter mile road distance response and the larger circle denotes 1½-mile road distance response; these distances are set up by the National Board of Fire Underwriters for high value and closely built residential districts, respectively. The circle was used for practical illustration purposes, although only approximately 80 percent correct in comparison with actual driving distance. It must be remembered that three-quarter mile response distance is the most stringent requirement set forth by the National Board of Fire Underwriters. This allows fire stations to be built approximately 1½ miles apart. Cross-hatch lines in red indicate the principal mercantile districts, and boundary lines are indicated by solid-colored lines plainly marked. Solid red fire station circles indicate stations that might be eliminated.

For example, Map 4 indicates quite clearly the effect of annexation on fire protection. The Glendale area shown on this map was recently annexed and a new station built to take care of the area. However, the

Consolidated Fire Protection District, only five years previously, had built a station to cover the area. Only one station is necessary in this area

Map 5 illustrates another station reduction The Los Angeles City station and the San Fernando station are less than three-fourths of a mile apart.

Map 8 illustrates a situation which would be remedied by the establishment of a metropolitan fire department It is immediately obvious that one station can be relocated or eliminated, with a possibility of relocating one more additional station for better coverage

Map 11 shows that one present and three proposed fire stations will be in the area. It would appear as though the latter are being built mainly for anticipated future annexation. Disregarding boundary lines, these stations will be located much too close together. The taxpayer would certainly realize a savings in this area with the advent of metropolitan fire protection.

Map 12 clearly shows a problem that will be eliminated in numerous areas throughout the county as a result of consolidation. Fire Station No. 2 of Torrance is obviously better able to protect much of Palos Verdes Estates At the same time, the Palos Verdes station would be better able to protect a large section of Torrance Removal of the boundary lines would greatly improve protection in these areas.

The other maps add support to our minimum estimate of 11 possible fire station eliminations. These are only examples of what could be accomplished. The minimum cost of operation for a single engine company fire station, with top salaries for eight men and their reliefs (with retirement costs added in), has been conservatively estimated at $120,000 per year. Therefore, elimination of these 11 stations should result in an annual savings of $1,320,000. With more detailed study, this estimated savings figure could very well climb to three or four millions, resulting from the elimination of additional stations.

The "eliminated" equipment and the amount realized out of sale of the surplus stations would be applied to the areas that have a definite need for them. For example, they could be used to equip some of the 51 proposed stations (see Table II) with many additional thousands of dollars saved.

Study of these maps also indicates that even with elimination of these stations, most areas will receive better coverage, resulting from faster response, and response of enough men and equipment to meet all needs.

Exhibit 4 and Maps 1 through 13 follow

EXHIBIT 4

CASE STUDIES DUPLICATION OF FIRE STATION LOCATIONS

(Refer to Maps)

1. Sierra Madre—Arcadia City Area (See Map 1)

A. Sierra Madre's only station covers most of the area covered by Arcadia Station No. 3

B. Arcadia Station No. 3 is unnecessary.

II. Temple County—Arcadia City Area (See Map 2)

A. County Fire Station No. 47 covers most of Arcadia's Fire Station No. 2.

B. Arcadia Station No. 2 could be eliminated or possibly relocated.

III. Pasadena-South Pasadena-Los Angeles-Alhambra Cities (See Map 3)

A Pasadena Station No. 5 is apparently unnecessary as the area is covered by South Pasadena Station No. 1.

B The area includes seven fire stations, as follows:

1. City of Pasadena ---------- 3
2. South Pasadena ---------- 1
3. Alhambra ---------- 1
4. City of Los Angeles ---------- 2

IV. La Crescenta County—City of Glendale Area (See Map 4)

A. County Station No. 63 covers all county area and City of Glendale area.

B. Glendale's new Station No. 6 built in 1955 was unnecessary.

V. San Fernando—Los Angeles City Area (See Map 5)

A. San Fernando City Station No. 2 is unnecessary as Los Angeles City Station No. 75 covers area of Station No. 2 in San Fernando.

VI. Sepulveda-Slauson and County-Culver City Area (See Maps 6 and 7)

A. County Station No. 58 covers most of the area that will be covered by the proposed Culver City Station No. 3, July 1, 1956.

B. Culver City Station No. 3 is unnecessary.

VII. Inglewood-Los Angeles City-Los Angeles County (See Maps 6 and 7)

A. Inglewood Station No. 2 is between 300-500 feet from boundary of the City of Los Angeles. At least half the response coverage of this station is not being utilized.

B Inglewood Station No. 2 is probably unnecessary since the surrounding stations can cover the area adequately.

VIII. Maywood-Bell-Huntington Park-Los Angeles County Area (See Map 8)

A. Maywood Station No. 1 is apparently unnecessary as it is covered by Huntington Park Fire Station No. 3, Bell Fire Station 3, County Fire Station No. 13, and Vernon Fire Station No. 2.

B. This area includes a total of six fire stations, as follows:

1. Maywood ---------- 1
2. Bell ---------- 1
3. Huntington Park ---------- 1
4. Vernon ---------- 1
5. Los Angeles County ---------- 2

IX. Los Angeles-San Pedro City Strip (See Map 9)

A. This strip in the City of Los Angeles is eight miles long and on an average of half mile wide. It is covered by Los Angeles City Station No. 79, resulting in two-plus mile responses.

B. Many areas in this "strip" can be covered much more adequately by fire stations in other jurisdictions, and Los Angeles City Station No. 79 would be many times more useful when allowed to cover portions of Gardena, Torrance, and Los Angeles County unincorporated area.

X. Manchester-Vermont-Los Angeles City and County Area (See Map 10)

A. Los Angeles City Station No. 66 is within half mile or less of the City-County boundary.

B. Los Angeles County Station No. 14 could more adequately cover City area than can Station No. 66 in the Western Avenue—Century Boulevard Area. It appears that Los Angeles City Fire Station No. 66 is unnecessary.

XI. Western Ave.-El Segundo Blvd. Area (See Map 11)

A. County Fire Station No. 54 covers portions of the Cities of Los Angeles, Gardena and Hawthorne, as well as the required County area.

B. Proposed Gardena Station at 139th and Van Ness is unnecessary.

XII. Torrance-Palos Verdes Estates Cities (See Map 12)

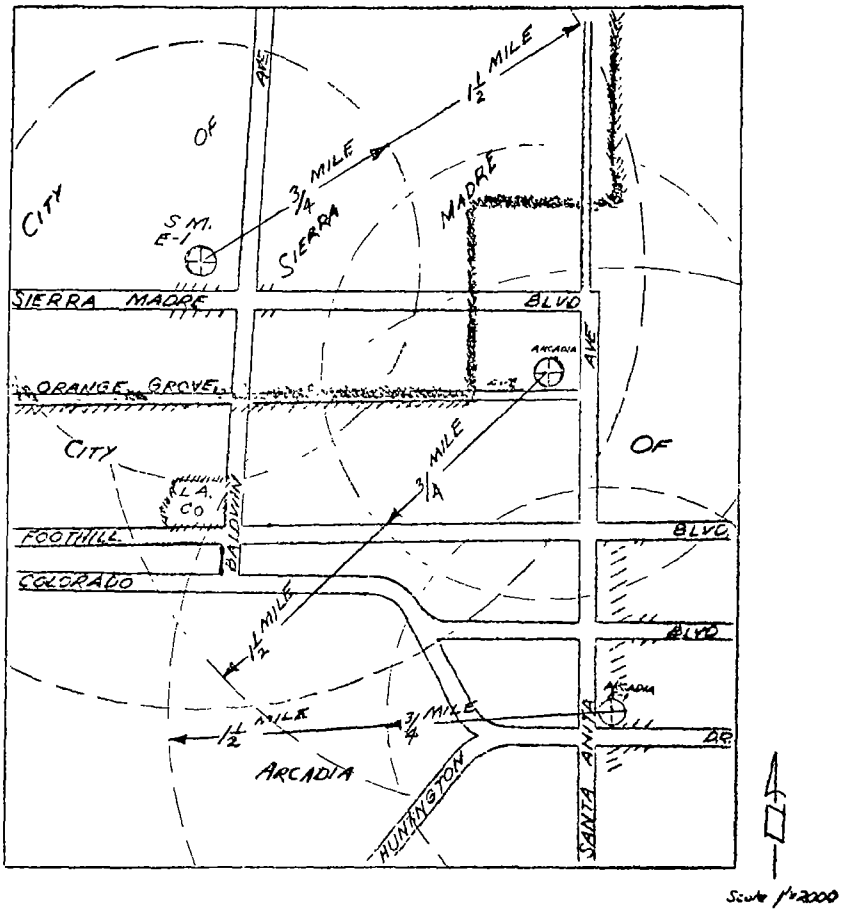
A. Torrance Station No. 2 and Palos Verdes Estates Station No. 1 cannot adequately cover their own jurisdictional areas.

B Removal of jurisdictional boundary lines would give adequate coverage.

XIII. City of Whittier-County Area (See Map 13)

A. Whittier has three stations. Approximately half of the response coverage of these stations is being utilized.

B. It appears that one Whittier fire station could be eliminated and another relocated. Fire stations of outside jurisdictions could adequately cover the remaining area.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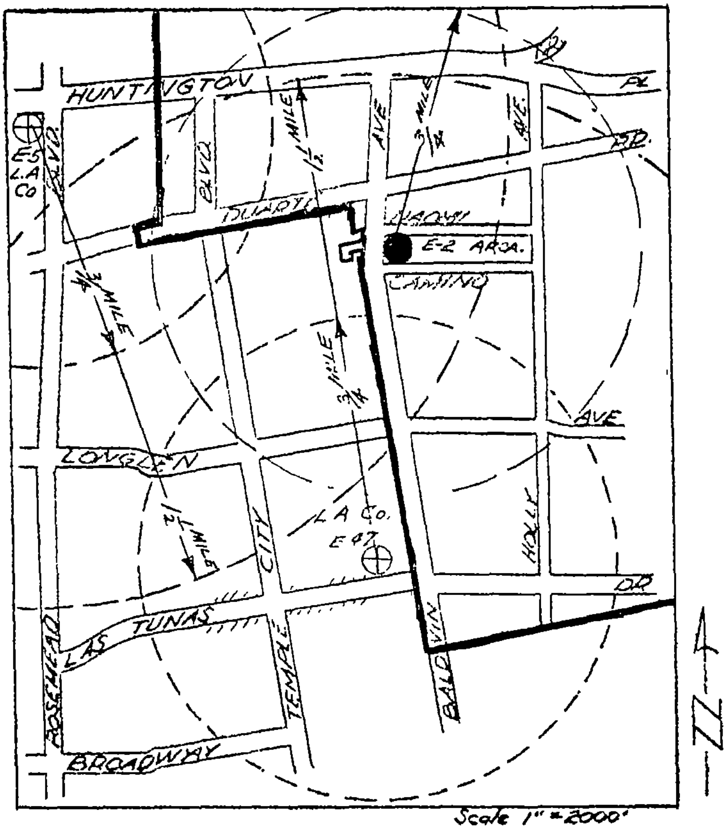
OF
SIERRA MADRE
SM. E-1
3/4 MILE
1 1/2 MILE
SIERRA MADRE BLVD
ARCADIA
ORANGE GROVE
CITY
OF
L.A. CO.
FOOTHILL
COLORADO
BALDWIN
BLVD
ARCADIA
SANTA ANITA
HUNTINGTON
Scale 1"=2000'

MAP 1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BLVD
AVE
AVE.
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E-5
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CAMINO
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AVE
LONGDEN
L A Co.
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HOLLY
CITY
DR
LAS TUNAS
TEMPLE
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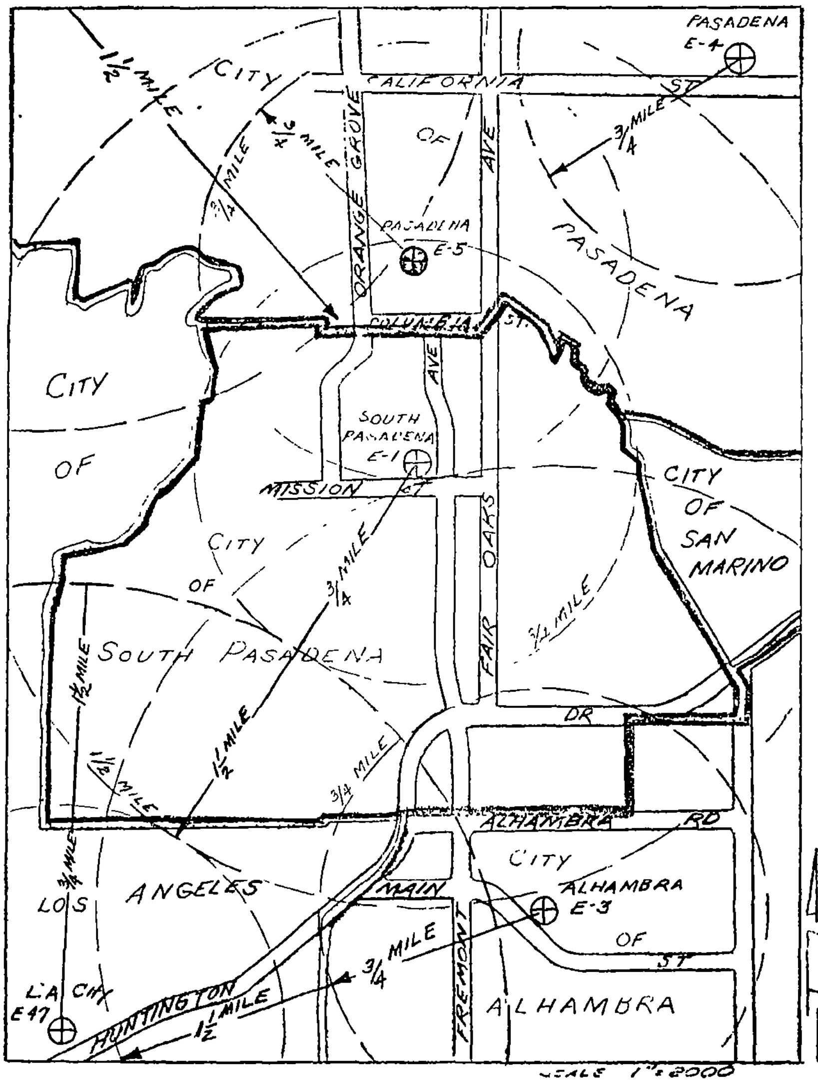
ROSEMEAD
BROADWAY
N
Scale 1" = 2000'

MAP 2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3/4 MILE
ORANGE GROVE
AVE
PASADENA
E-5
COLUMBIA
ST
AVE
SOUTH
PASADENA
E-1
MISSION
ST
CITY
OF
CITY
OF
SOUTH PASADENA
3/4 MILE
1 1/2 MILE
FAIR OAKS
CITY
OF
SAN
MARINO
3/4 MILE
DR
1 1/2 MILE
3/4 MILE
ALHAMBRA
RD
LOS ANGELES
CITY
ALHAMBRA
E-3
OF
ALHAMBRA
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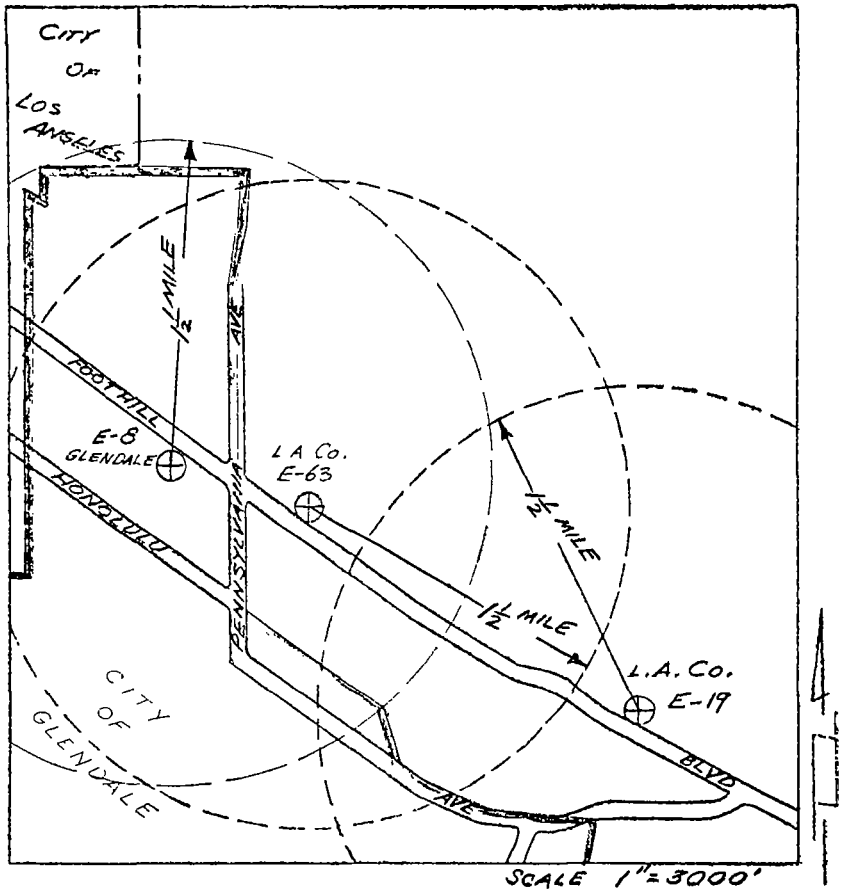
FREMONT
ST
3/4 MILE
1 1/2 MILE
HUNTINGTON
L.A. CITY
E 47
SCALE 1"=2000

MAP 3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1 MILE
1/2
AVE
FOOTHILL
E-8
GLENDALE
L A Co.
E-63
HONOLULU
PENNSYLVANIA
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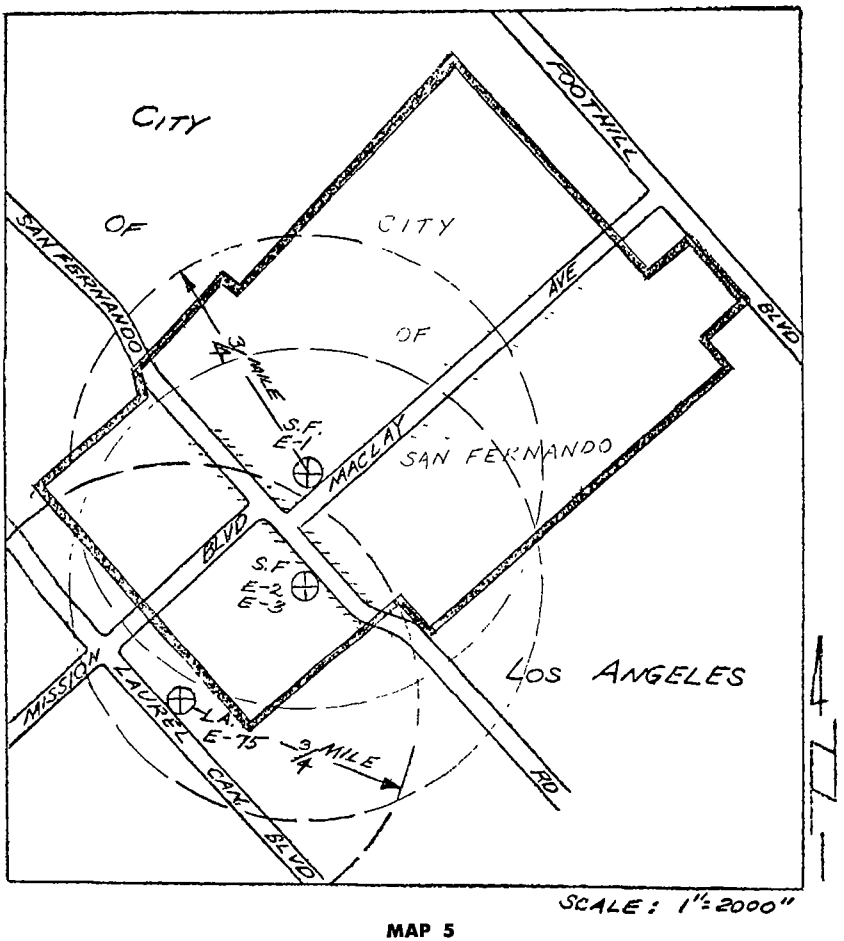
1/2 MILE
L.A. Co.
E-19
BLVD
AVE
CITY OF GLENDALE
SCALE 1"=3000'

MAP 4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SAN FERNANDO
CITY
OF
SAN FERNANDO
FOOTHILL
BLVD
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E-1
S.F.
E-2
E-3
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MISSION
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RD
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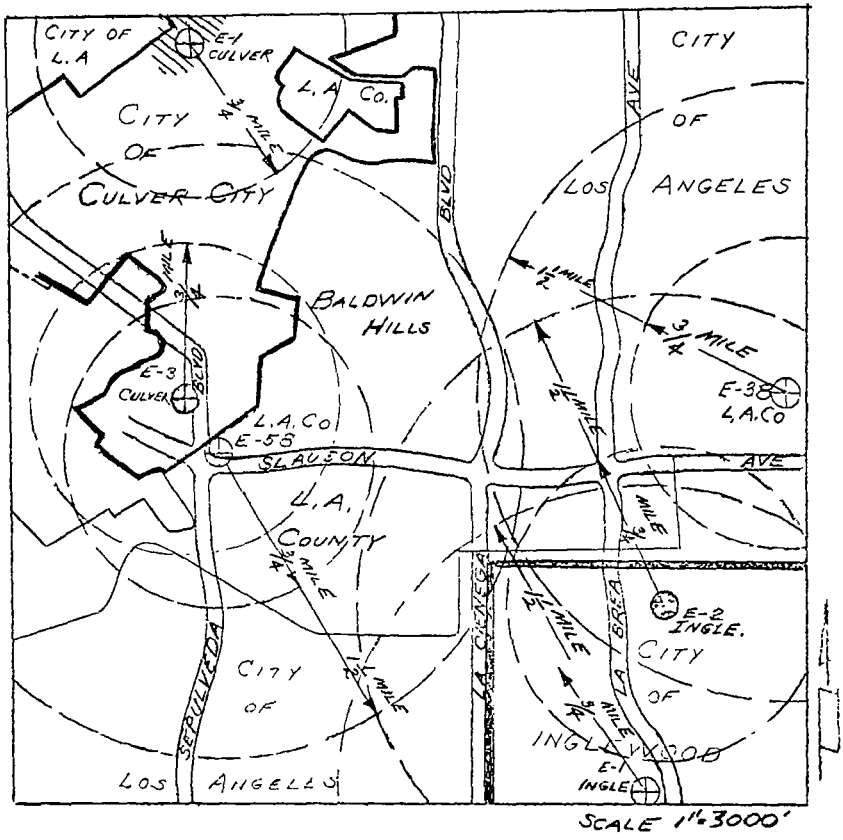
SCALE: 1"=2000'

MAP 5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L.A CO.
CITY OF CULVER CITY
3/4 MILE
BALDWIN HILLS
BLVD
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L.A.CO E-58
SLAUSON
L.A. COUNTY
CITY OF LOS ANGELES
SEPULVEDA
CITY OF LOS ANGELES
AVE
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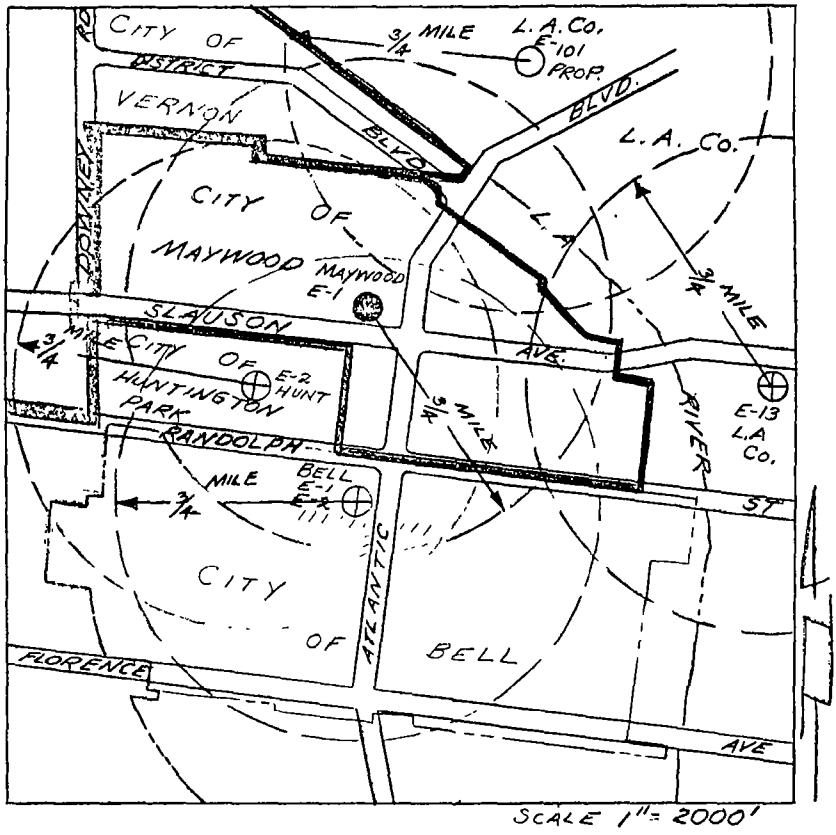
E-38 L.A.CO
E-2 INGLE.
E-1 INGLE
SCALE 1"=3000'

MAP 6 MAP 7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DOWNEY RD.
CITY OF
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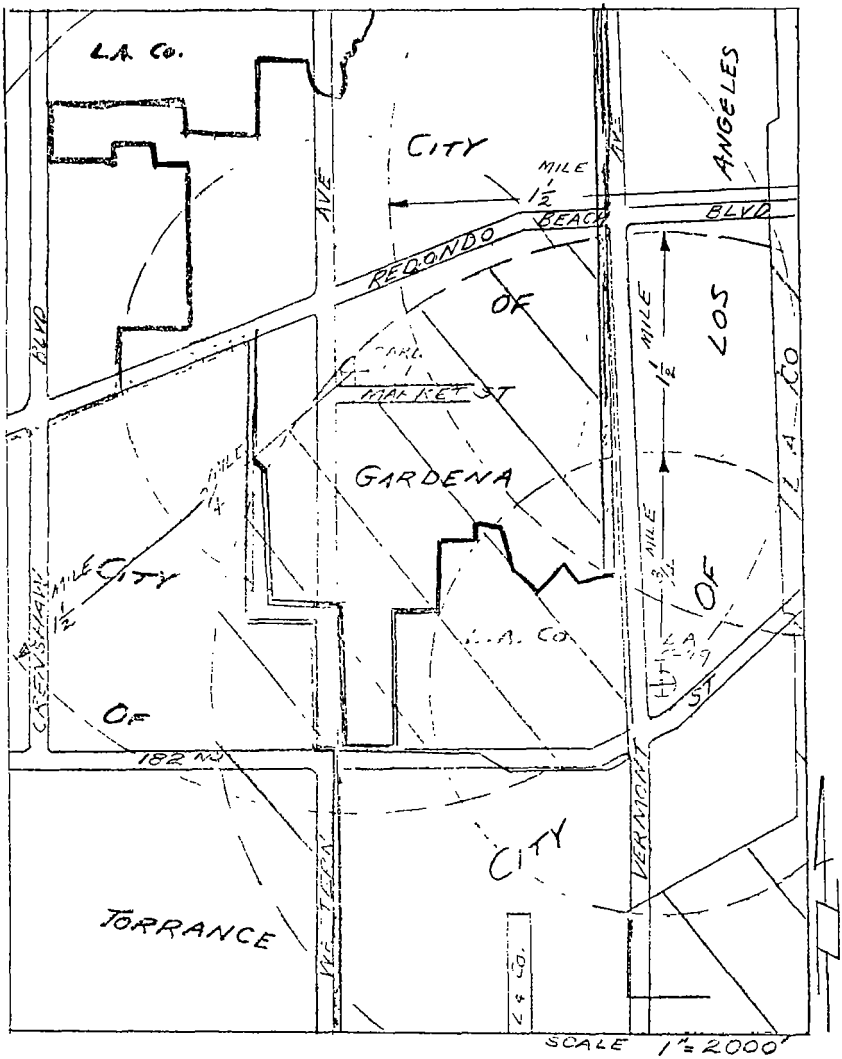
SLAUSON
AVE.
3/4 MILE
CITY OF
HUNTINGTON
PARK
E-2
HUNT
RANDOLPH
3/4 MILE
BELL
E-1
E-2
CITY
OF
BELL
ATLANTIC
FLORENCE
AVE
L.A. CO.
E-101
PROP.
3/4 MILE
BLVD.
L.A. CO.
L.A.
3/4 MILE
RIVER
E-13
L.A.
CO.
ST
SCALE 1" = 2000'

MAP 8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CITY
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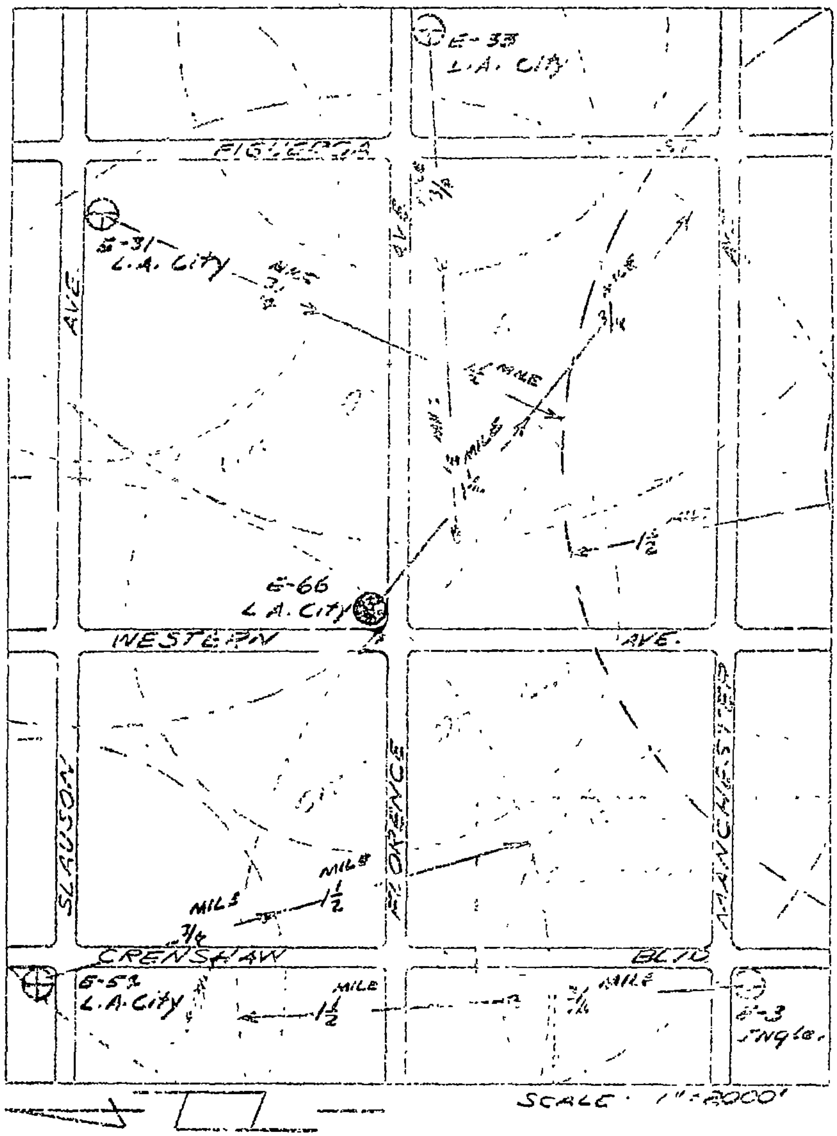
BEACH
BLVD
OF
LOS
MARKET ST
GARDENA
1/2 MILE
CITY
OF
L.A. CO
182 ND
CITY
TORRANCE
VERMONT
SCALE 1" = 2000'

MAP 9


E-33
L.A. City
E-31
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E-66
L.A. City
WESTERN
AVE.
SLAUSON
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BLVD
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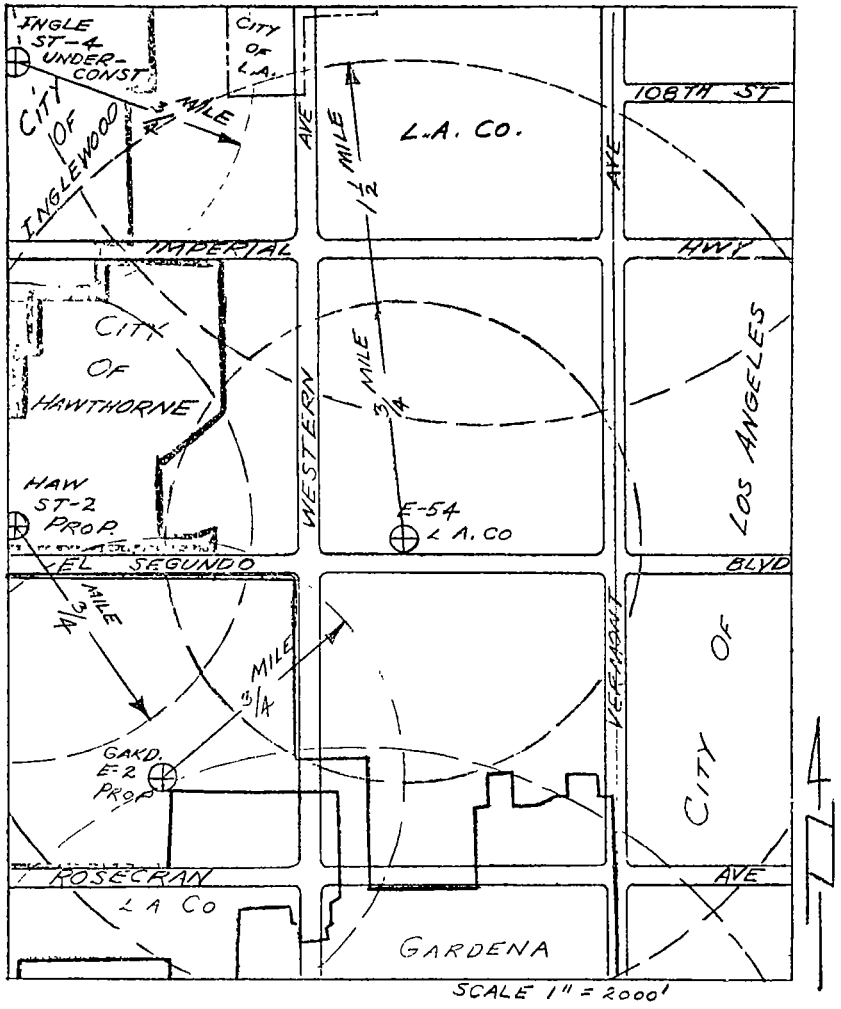
MILE
1/2
E-3
Ingle.
SCALE: 1" = 2000'

MAP 10


INGLE ST-4 UNDER-CONST
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L.A. CO.
10BTH ST
AVE
IMPERIAL
HWY
CITY OF HAWTHORNE
WESTERN
3/4 MILE
LOS ANGELES
HAW ST-2 PROP
E-54
L.A. CO
EL SEGUNDO
BLVD
3/4 MILE
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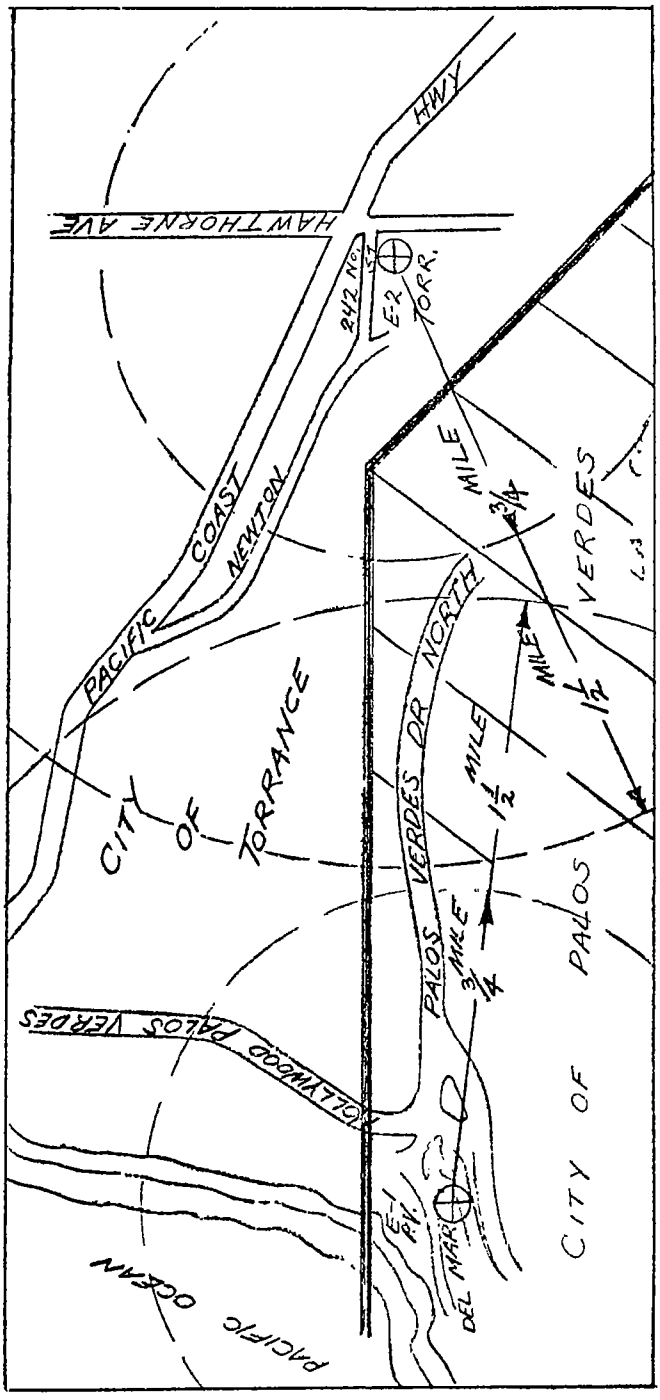
L A Co
GARDENA
SCALE 1" = 2000'

MAP 11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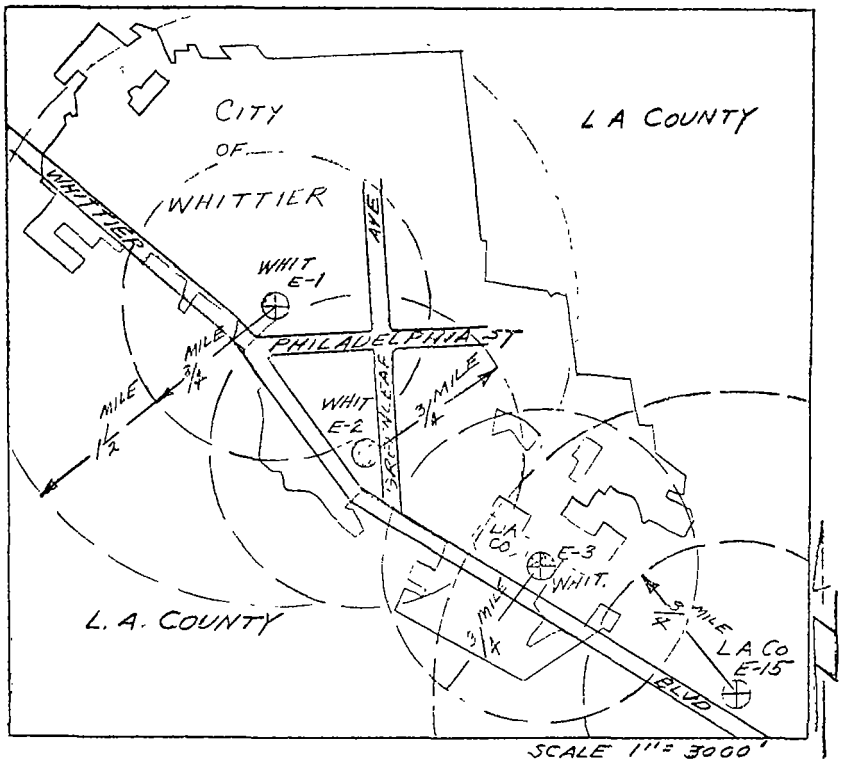
MILE
1 1/2
MILE
1 1/2
CITY OF TORRANCE
MILE
3/4
PALOS VERDES
CITY OF PALOS
E-1
P.V.
DEL MAR
PACIFIC OCEAN
Scale 1"=2000'

MAP 12



MAP 13

c. *Fire Insurance Savings.* Since the cost of fire insurance directly affects the citizens of the community, we believe that a brief explanation of the determining factors in establishing fire insurance rates should be outlined.

The premium rates charged by fire insurance companies are governed to a large extent by the grading of the city's fire defenses. In turn, this grading is greatly influenced by the quality of the fire protection provided at public expense. If a community has a population of over 25,000, the National Board of Fire Underwriters, an organization formed and supported by most of the stock fire insurance companies, determines the fire defense strength of that community. (If further information is desired regarding stock member companies of the National Board of Fire Underwriters, or their established standards and practices, it is suggested that your insurance agent be contacted.)

Other grading agencies throughout the United States serve communities of less than 25,000 population, and work in close association with the National Board Southern California is served by the Board of Fire Underwriters of the Pacific (see Exhibit 5).

Rating bureaus (Pacific Fire Rating Bureau for California) are maintained for the purpose of establishing individual rates by using the National Board Schedule and by determining special hazards or conditions in specific occupancies (see Exhibit 6).

EXHIBIT 5

EXCERPTS FROM BY-LAWS OF THE BOARD OF FIRE UNDERWRITERS OF THE PACIFIC AND RELATED INFORMATION FURNISHED BY THE BOARD

The Board of Fire Underwriters of the Pacific, a nonprofit association of most of the capital stock fire insurance companies. Its purpose include the following:

(A) To seek solutions to problems in the fire insurance business;
(B) To foster fair trade practices and promote the greatest economy and efficiency in the conducting of the insurance business;
(C) To encourage improved methods of building construction and fire control for the protection of human lives and to decrease fire waste;
(D) To render advisory and engineering services to municipalities, public officials, and property owners relative to future supply and distribution, fire department organization and operation and preventative measures to reduce losses from fire and other casualties;
(E) To promote additional activities within the business of insurance that members may be adequately equipped to serve both the industry and the public;
(F) To cooperate with governmental authorities in the construction and administration of laws affecting the insurance industry;
(G) To act generally as an advisory organization under applicable laws.

Under (G) above, the Board of Fire Underwriters of the Pacific is registered with the State Insurance Commission as an advisory organization to the Pacific Fire Rating Bureau on matters of public protection. To this end, the advisory information and city gradings and reports of the board are made available to the rating bureau for their use in establishment of fire insurance basis rates.

In connection with (C) and (D) above, the "Pacific board" applies the standard gradings structure of the National Board of Fire Underwriters to all cities smaller than the ones handled by the national board. Normally this is set at 25,000 population but many cases occur where cities up to and beyond 35,000 have not yet been taken over by the national board. These grading classifications and information pertaining to them and to desirable improvements are made available to constitute representatives of the community that have been insured and graded.

If further information is desired regarding member stock companies of the national board and the Pacific board, or their established standards and practices, it is suggested that your insurance agent be contacted.

SOURCE: Information obtained from Board of Fire Underwriters of the Pacific.

EXHIBIT 6

Correction Sheet No. 163
February 1, 1955

Constitution, By-Laws, etc.
Page 1
Pacific Fire Rating Bureau—
Constitution

CONSTITUTION

Article I. Name

The name of this association is Pacific Fire Rating Bureau.

Article II. Purposes

This association does not contemplate pecuniary gain or profit or the distribution of gains, profits, or dividends to its members, and is formed for the following purposes:

(A) With respect to fire insurance and allied lines, property insurance generally, and (but only to the extent that the Governing Committee may determine from time to time) such marine, liability, and casualty coverages as are provided by multiple line, multiple peril, or all-risk policies and endorsements on which there is a substantial fire insurance coverage against damage to real or personal property; to determine, adopt, and make available to insurance companies, equitable schedules and rates, not unfairly discriminatory, as well as appropriate rules, forms, regulations, and classifications—to the end that property may be insured upon a basis that is fair and reasonable to the insured, not unfairly discriminatory, and one which will at the same time yield a fair and reasonable return to the insurer;

(B) To accumulate and disseminate underwriting information;

(C) To study and advocate simplification and accuracy of rating methods and rate presentation; to encourage cooperative action by insurance companies in the rate-making process and the full utilization of underwriting experience therein;

(D) To correlate, compile, and disseminate accurate statistical information concerning losses and loss ratios;

(E) To investigate class or general hazards, and encourage improved methods of building construction and fire control;

(F) To act for insurance companies and insurance rating organizations in filing schedules and rates with public officials where such filings are required by law;

(g) To cooperate and advise with other rating bureaus, advisory organizations, underwriters associations, public officials, and others, to further the equitable adjustment of rates to insurable perils;

(h) To do anything necessary or appropriate for accomplishment of the objectives herein set forth.

Article III. Principal Office

The principal office for the transaction of the business of the association shall be located in the City and County of San Francisco, State of California.

The National Board of Fire Underwriters has devised a standard grading schedule for cities and communities of the United States with

reference to their fire defense. A community may use this schedule as a criteria for determining and correcting their fire defense inadequacies.

The grading schedule assigns points of deficiency to the various features of fire defense found in cities of the United States. The number of deficiency points assessed may be a total of 5,000, depending on the extent of variance from the relative values set forth in the following two tables:

RELATIVE VALUES [1]

	Percent	*Points*
Water supply	34	1,700
Fire department	30	1,500
Fire alarm	11	550
Police	1	50
Building laws	4	200
Fire prevention	6	300
Structural conditions	14	700
	100	5,000

GRADING OF CITIES AND TOWNS BASED ON THE RELATIVE NUMBER OF POINTS OF DEFICIENCY IN FIRE DEFENSES AND PHYSICAL CONDITIONS [2]

Class of city or town	*Number of points of deficiency assessed*
1	0 to 500
2	501 to 1,000
3	1,001 to 1,500
4	1,501 to 2,000
5	2,001 to 2,500
6	2,501 to 3,000
7	3,001 to 3,500
8	3,501 to 4,000
9	4,001 to 4,501
10	More than 4,500 points; or without a water supply and having a fire department grading 10th class; or with a water supply and no fire department; or with no fire protection.

As can be seen from the relative values table, 47 percent of the total relative values fall within the scope of the fire department.

We believe that it would be advantageous to offer a concrete example of the savings possible to a community falling within the jurisdiction of a metropolitan fire department. We have chosen the City of Lakewood for this purpose because of its relative newness and the ease with which pertinent information can be extracted for use.

Lakewood has a population of approximately 73,000 persons, a total of 17,300 dwellings and 180 business establishments. The average cost of each dwelling is approximately $12,000, with average fire insurance coverage of $13,000 for improvements and contents. Due to the presence of a Class 2 fire department and related factors, Lakewood has an over-all fire insurance grading of four.

Table XVI illustrates the insurance premium savings which result from lowering of the fire insurance grading.

[1] 1942 edition of Standard Schedule for Grading Cities and Towns of the United States by the National Board of Fire Underwriters

[2] 1942 edition of Standard Schedule for Grading Cities and Towns of the United States by the National Board of Fire Underwriters

TABLE XVI

INSURANCE PREMIUM SAVINGS

N B F U gradings of cities and communities	Premiums paid (estimated amount sample city would pay in premiums in each grade)	Reduction (in grade)	Savings due to drop in N B F U grading (estimated amount of savings by sample city)*
2	$915,700	3 to 2	$75,300
3	991,000	4 to 3	75,300
†4	1,066,300	5 to 4	75,300
5	1,141,600	6 to 5	99,100
6	1,240,700	7 to 6	150,600
7	1,391,300	8 to 7	202,100
8	1,593,400	9 to 8	606,300
9	2,199,700	10 to 9	253,600
10	2,453,300		

* Total insured valuation (estimated) of $301,200,000 using a base rate for a three year policy—composition roof in the City of Lakewood, California

† Present grading in Lakewood This grading would probably drop to a N B F U grading of three if area was within a metropolitan fire department organization

We wish to point out that cities, communities and areas in Los Angeles County vary in National Board of Fire Underwriters' gradings from 2 to 10, depending on various factors outlined in the National Board Grading Schedule. As shown in Table XVII, for those cities and unincorporated communities covered therein, there are a total of six cities in Class 3, ten cities and three unincorporated communities in Class 4, ten cities and two unincorporated communities in Class 5, thirteen cities in Class 6, and eight cities in Class 7.[3]

As can be readily seen from the "Insurance Premium Savings" Table earlier in this section, if a Class 7 city the approximate size and value of Lakewood could obtain a Grade of 3, then citizens would realize a savings of $400,300, or approximately 29 percent. An example of the percent of savings resulting from only a *one* class reduction is set forth in the following table:

Grade reduction from Class 5 to 4	*Savings*
Dwellings, and habitational—average reduction	7.7%
Contents—average reduction	4.3%
Masonry mercantile buildings—average reduction	26.0%
Contents—average reduction	16.0%
Frame buildings—average reduction	27.0%
Contents—average reduction	18.0%

SOURCE: Information obtained from Culver City Fire Department.

In conclusion, may we point out that with the establishment of a metropolitan fire department throughout Los Angeles County, the National Board of Fire Underwriters' ratings will considerably improve in many areas. The major portion of Los Angeles County should enjoy a Class 1 fire department rating, and as a result, the cost of fire insurance would decrease considerably. (See Table XVII for existing grades in Los Angeles County.)

[3] *Municipal Year Book*, 1956 edition (cities under 10,000 not listed)

TABLE XVII

BOARD OF FIRE UNDERWRITERS—GRADE OF CITIES

City	Total class	Deficiency points	F D. class	Deficiency points	Year graded
Alhambra	4	1,558	4	587	1952
Arcadia	5	2,350	5	687	1953
*Avalon	7	3,350	9	1,275	----
Azusa	6	2,678	6	867	1939
Bell	6	2,580	5	740	1947
Beverly Hills	3	1,374	3	305	1939
Burbank	4	1,638	3	448	1950
*Claremont	6	2,740	6	806	----
Compton	4	1,662	3	439	----
*Covina	6	2,656	5	630	----
Culver City	4	1,748	3	331	1955
*El Monte	7	3,150	7	982	----
El Segundo	5	2,366	5	603	1952
Gardena	6	2,943	8	1,057	1951
Glendale	3	1,479	3	367	1946
*Glendora	6	2,950	7	1,020	----
Hawthorne	5	2,105	3	407	1954
*Hermosa Beach	7	3,192	8	1,078	----
Huntington Park	4	1,881	4	482	1951
Inglewood	4	1,726	3	371	1953
*La Verne	7	3,300	7	960	----
Long Beach	3	1,474	3	394	1944
Los Angeles	3	1,194	1	138	1947
Lynwood	4	1,937	4	554	1953
Manhattan Beach	6	2,897	6	798	1932
Maywood	7	3,156	6	900	1947
Monrovia	5	2,458	6	811	1937
Montebello	6	2,595	5	738	1939
Monterey Park	6	2,934	6	802	1952
*Palos Verdes Estates	7	3,200	8	1,110	----
Pasadena	3	1,429	2	281	1946
Pomona	6	2,553	7	913	1949
Redondo Beach	5	2,377	6	753	1955
San Fernando	5	2,394	5	649	1950
San Gabriel	5	2,187	4	547	1953
San Marino	5	2,380	5	663	1954
Santa Monica	3	1,469	3	345	1950
Sierra Madre	6	2,962	--	----------	----
*Signal Hill	7	3,300	5	735	----
South Gate	4	1,770	4	462	1949
South Pasadena	4	1,991	5	610	1949
Torrance	6	2,688	6	889	1936
*Vernon	6	2,600	6	885	----
Whittier	5	2,325	5	715	1948
West Covina	7	3,339	8	1,131	1952
†Los Angeles County F. D					
Lakewood	4	1,927	2	273	1955
Baldwin Park	5	----------	3	----------	----
‡Los Angeles County F. D. unincorp areas					
Downey	4	1,987	2	244	----
San Dimas	5	2,476	3	329	----
West Hollywood	4	1,939	3	343	----
East Los Angeles	4	1,988	3	346	----
Belvedere-Laguna	5	2,446	4	466	----
Altadena	‡	----------	‡	----------	----

* Cities under 10,000 not listed in Year Book, information from Board of Fire Underwriters of the Pacific
† Information from Los Angeles County Fire Department
‡ Now being re-evaluated Substantial improvement in grading is anticipated
SOURCE "Municipal Year Book," 1956, pp 372-394, except those marked with asterisks

d. *Findings Resulting From Analysis of Actual Case Studies Involving Mutual Aid and Other Emergency Responses to Outside Jurisdictions.* Directly related to the reduced costs of fire protection which would result from functional consolidation is the elimination of inefficiencies and duplications which are prevalent at the present time. This has been discussed earlier in Chapter II-C, and earlier in this section. Some further detail is set forth here based on actual case studies.

The Federated Fire Fighters of California have studied actual cases occurring within Los Angeles County during the past 13 years, with particular emphasis on cases occurring during the last three years, involving mutual aid and other emergency responses to outside jurisdictions when assistance is requested by the "home" department.[4]

Said cases clearly demonstrate that in the absence of consolidated fire protection service within the County of Los Angeles, serious inefficiencies exist which have resulted in *loss of life and loss of property.*

Included among the many problems revealed by these cases are the following:

(1) Some departments do not have the necessary equipment for all types of fires. Others have no reserve equipment to put into service when their equipment is on a fire or in need of repair.

(2) Despite attempts to cooperate and coordinate, the different radio frequencies in use on equipment has resulted in loss of contact between units on many fires. This has at times been responsible for slowed attack at critical points, delay in obtaining reinforcements on the one hand, and duplication of effort on the other.

(3) Because of the lack of a central dispatching agency and the boundary line restriction, initial multiple response to alarms is not immediate or possible in many cases. A prearranged response schedule for all areas, regardless of boundaries, is definitely needed.

(4) The present situation is chaotic in that personnel are not under the same chain of command and they are often not familiar with the proper methods to be used in fighting a particular fire. There are no regular move-up companies to cover stations left vacant.

(5) Duplication of orders can and has resulted in too much equipment in some areas and not enough in others. Fire fighting crews sometimes report to the fire line not knowing what they were to do or exactly where to work, and hesitate to take orders from officers of other cities.

(6) Special equipment, such as salvage equipment, is often lacking in some of the departments. Even more important, much needed life-saving equipment such as air masks or resuscitators may not be available.

(7) Lack of standardized apparatus, equipment, tools and hose threads have caused delays and inefficiencies during serious emergencies.

(8) Often responding companies have not been familiar with the area, installations and the available water supply.

[4] Details of said actual cases are available and can be furnished upon request

(9) Differences in training and experience among fire fighters have resulted in delay and inefficiencies.

(10) Serious delays resulting in unnecessary loss of property and in some cases, even loss of life, have been caused by some departments being reluctant to call for assistance until the fire is completely out of control. Serious delays also result because citizens and/or emergency telephone operators are uncertain as to which department has jurisdiction over a particular locality in cases of reporting fires.

In analyzing these cases, it becomes obvious that a unified fire service for Los Angeles County would eliminate, or at least minimize, these problems by virtue of—

(1) One coordinated administration.

(2) A central dispatching agency.

(3) Unified and standardized equipment and methods, providing, among other things, powerful pumpers and adequate hose and equipment.

(4) Uniformly and more adequately trained men and officers.

(5) An adequate Underwriters'-approved response schedule. Preplanned special response schedules for target occupancies, large fires and extreme life hazards.

(6) Special apparatus such as hose companies, aerial ladders, heavy stream appliances and fog nozzles and applicators to prevent water damage. Also, availability of approved-type gas masks and resuscitators for rescue service.

(7) Modern communication methods (all units radio-equipped and the use of handy-talkies for better supervision and fire direction).

6. **Personnel.** The effect consolidation will have on personnel can be viewed from the standpoint of what it will do for the citizens of the metropolitan area, and what it will do for the firemen themselves.

a. *Advantages to the Citizen.* From the citizen's point of view, the metropolitan fire department will have more efficiently trained men, more professionally adequate officers, a higher grade recruit, and more permanent career employees than most of the fire departments can afford to maintain at the present time.

Present facilities could be used to train all firemen in the county, rather than just those employed by the few cities that now have the facilities. In addition, there would be a uniform training program throughout the county Personnel would be able to work side by side in an efficient manner. This would give the taxpayer much better service at the same, or less, cost.

There is no doubt that the many additional advancement possibilities in the new fire department would attract higher caliber men. Administrative officers would receive salaries sufficient to attract the type of personnel needed to cope efficiently with the needs of the larger organization.

A metropolitan department would also put an end to the continual migration from the lower paying small city departments to the higher paying large departments. It costs the smaller cities a considerable amount of money annually to recruit and train men, only to have them leave in this manner.

b. *Advantages to the Fireman.* From the fireman's point of view, the advantages are also many. Salaries will, of course, be standardized throughout the county. Many cities cannot afford to pay the salaries now being paid by the large departments. Consolidation should make this possible (as explained in Section II-C). Other working conditions, hours, retirement, etc., would also be stabilized at a higher level.

Firemen, at present, often reach dead-end positions early in their career due to the small size of their department. A metropolitan fire department would offer untold avenues of advancement. Specialization in such things as arson investigation, fire prevention, dangerous chemicals, etc., will offer a wide variety of interest at the same time.

Another advantage is the added mobility possibilities. Many firemen are forced to live in a particular area or city in order to keep their position. Consolidation would allow a fire personnel to move or transfer his place of work to any section of the county.

These are but a few of the numerous advantages that could be cited in regard to personnel. Most of these will be advantageous to both the fire fighter and the taxpayer, and all point to greater professionalization of the fire service.

B. POSSIBLE DISADVANTAGES

1. **Local Autonomy.** Many citizens, or at least many public officials, seem to fear that local autonomy will be threatened by metropolitan operation of some of the major services such as fire protection. This subject has been a matter of discussion for many years. Opposition comes mainly from the suburban communities, where many citizens, especially long-time residents may feel that the municipality "belongs" to them, they have played a part in making their city a good place to live, etc.

The association believes that this is not a realistic approach to this problem. Moreover, most citizens, particularly the younger ones, think differently about these matters today. Since the community has been developed into a metropolitan area for many years now, they are used to moving from city to city, or city to unincorporated areas, or vice versa, without paying a great deal of attention to boundary lines They are confident that they will receive municipal type services in just about any area, and their feeling of pride has probably expanded to encompass the entire metropolitan area

To make this picture complete, one must take into consideration the fact that existing jurisdictions with their staffs of officials and employees often constitute sources favoring retaining existing structure and opposing changes which might jeopardize their vested rights.

Superficial local pride and prejudice have often been a barrier to progress. Ways should and could be devised to alleviate this. Perhaps having the name of the community on the fire apparatus and stations would give said community and its citizens the desired recognition. Also, it might be possible to use fire apparatus in parades or other city functions. This could be accomplished even if the community were served by a metropolitan fire department, since there would always be reserve equipment and manpower available to move into and cover the city in the event an emergency arose.

More significant than the above suggestions would be a realization that actually this problem is one of educating the public more than anything else. This should be fairly easy to accomplish if an honest effort is made to do so.

2. **Apparent Added Cost of Fire Protection.** Many fear that consolidation would result in an increase in fire protection costs, largely due to the fact that some of the local fire departments are paying lower salaries and, of course, all salaries in a metropolitan-wide organization would have to be brought up to the level of the high paying department. This concern mainly exists in the small cities. The major fire departments in Los Angeles County have approximately the same salary level. However, as previously pointed out, many of the smaller cities pay as much as $100 a month less for the same position. This brings up the question of whether there actually would be an added tax rate burden on a small city in the event of consolidation.

One good reason why we believe that there would be no additional cost for this purpose is that each city at the present time must have enough manpower and equipment to attempt to satisfy the Board of Fire Underwriters' requirements so as to keep the fire insurance grade low. Each city must plan their fire defenses based upon response distance, manpower requirements, apparatus requirements, etc., as a self-sufficient unit within their own boundaries.

An analysis of this situation shows that after removal of the boundary line, in many cases where there are now two or three engine companies in operation, one would do the same job. For example, the City of Hawthorne presently employs 22 men including chief officers. For simplicity, we will say that 10 men are on duty each shift to man this city's equipment. Metropolitan operation of the fire service would probably allow removal of all but one engine company manned by five or six men on each shift. This would be possible since engine companies in the surrounding four or five fire stations of other jurisdictions would be available to respond with the Hawthorne equipment. The resultant salary savings alone would more than make up for the necessary salary adjustments in the small city.

There would be no actual elimination of existing personnel or equipment since there are at least 25 fire stations proposed to be built in the immediate future which would absorb the reduction. In fact, many stations are in various stages of construction at the present time and many more will have to be built in the future to keep up with the tremendous growth in the area. Therefore, when we speak of removal of stations, men and equipment, we simply mean that they can be removed from their present location (where they would no longer be needed) to one of the areas that now has an urgent need for them. Instead of costing more, because of salary adjustments, there should be a considerable savings to the taxpayers of these smaller communities. Moreover, as shown in Section 2B of this report, a more efficient department with better fire protection would be possible at the same, or a reduced, cost.

3. **Local Control.** Closely akin to local autonomy is that problem of local control. Many people are afraid that the large metropolitan fire organization would dictate the fire protection needs to the taxpayer

in the city rather than vice versa. This problem warrants consideration. However, this problem is not insurmountable. There are many ways in which the city can retain as much control as they now have.

The most appropriate control method to be used would depend upon the type of organizational structure adopted to establish this consolidated department. Some methods of control are as follows:

(1) Representation from each area or city on a board or commission to exercise direct control of the department.
(2) Representation through elected members of the board of supervisors. If, as some think, the present supervisorial districts are too broad, a realignment of these districts might be advisable.
(3) The use of an advisory board made up of prominent citizens from each area.
(4) The use of the election process to determine whether the city wishes to join or remove themselves from the metropolitan organization.

There are so many significant advantages to metropolitan operation of the fire protection function, that it should be obvious that the so-called disadvantages, to whatever extent they are real and not imaginary, are worth overcoming. These problem areas could be resolved to a large extent by experts in the field of public administration.

C. METHODS OF ESTABLISHING THE METROPOLITAN ORGANIZATION

There are numerous devices that can be used to establish a Metropolitan Fire Department in Los Angeles County. Experiences in other sections of the country have indicated that there are many choices, and it must be decided which one will best fit the area. What is good for Chicago, San Francisco, or Detroit may not be good for Los Angeles County. We believe that political consolidation is not worthy of mention, since it has been discussed for many years with no action taken due to the opposition and difficulties connected with carrying it out. However, *functional* consolidation fulfills many of the desirable qualities and eliminates most of the undesirable ones. In this section an attempt will be made to present some of the methods that this association believes would be workable in Los Angeles County.

1. **County Fire Protection District Operated Fire Protection.** The machinery is now available for any city to become a part of one of the present Los Angeles County fire protection districts. This was made possible by an amendment to the Health and Safety Code in 1955, allowing any sixth class or chartered city, or portion thereof, that is adjacent to a fire protection district, to be annexed to such district. Another amendment in 1953 allows a newly incorporated city to remain in the fire protection district if it so desires.

This method of establishing metropolitan-wide fire protection would definitely be the fastest since no further legislation would be necessary. In fact, four newly incorporated cities are presently using the Los Angeles County Consolidated Fire Protection District for their fire protection needs. The only factor that has stopped many of the established

cities from taking advantage of this service is that when there is an existing fire department, the retirement problem crops up. This will be discussed in Chapter V.

It must also be pointed out that there is a lack of permanancy in this particular plan. At the present time, if the city council of one of these cities should suddenly decide to establish their own fire department, they could immediately withdraw from the district. This might occur after a new fire station had been built in the city or a new fire truck purchased. The Consolidated Fire Protection District would have to turn over to this city these new facilities, as well as a proportionate share of the entire district's assets. This lack of permanancy warrants correction to insure a more permanent arrangement. Part of the problem might be solved if withdrawal could only be affected by a vote of the people, so that politics will not control this important phase of service to the public.

2. **County Operation.** In Los Angeles County, health services, tax assessment, flood control, and air pollution control, are all examples of county operation of metropolitan functions, financed out of the county general fund. Fire protection could be handled on the same basis if so desired. The Haynes Foundation made a number of recommendations to complete a plan to strengthen local government to the point of becoming capable of fulfilling its proper role in the modern metropolitan setting. Among these were "that functions of local government which are of metropolitan importance should be proposed for incorporation into the charter as primary responsibilities of the county."[5] Other recommendations were "that the present county government should be reorganized on a basis which would give increased representation to the major geographic divisions within metropolitan Los Angeles. In place of a governing board of five members, there should be a board of approximately 10 members elected from districts whose boundaries would follow major topographic features."[5] Further recommendations were that each city should be represented on a division advisory board that would meet with their board member in determining needs.

3. **Metropolitan District.** Another method that might be used is the metropolitan district, which would be an independent organization to operate fire protection in the County of Los Angeles.

The governing body would be a board of directors made up of representatives of member cities and communities. Directors would be appointed by city officials subject to confirmation of their governing body, and for unincorporated communities, they would be appointed by county officials. The number of votes to which each member city is entitled, could be based upon assessed value of property within its borders, with no one member permitted to have more than one-half the total number of votes.

In our estimation, the above methods of establishing the metropolitan-wide fire service are the only feasible ones in the case of Los Angeles County. However, it must be pointed out that there are many modifications of these three basic plans that might be applied

[5] Bemis, George, and Basche, Nancy, *L A County as an Agency of Municipal Government* (1946, Haynes Foundation, Los Angeles, p. 23.)

CHAPTER V

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

A. SUMMARY OF FINDINGS AND CONCLUSIONS

During recent years, Los Angeles County has grown from a number of small communities separated by rural area into an extremely compact urbanized metropolitan area, interlaced with jurisdictional boundary lines. For this reason, it has become increasingly necessary to re-evaluate fire protection needs in Los Angeles County.

We believe that the elimination of these jurisdictional boundaries through the establishment of a metropolitan fire department will save taxpayers a substantial amount of money each year by: (a) elimination of at least 11 present and proposed stations at a savings of $1,320,000, (b) a reduced cost of fire insurance for most areas, and (c) a possible reduction in administrative costs of operation and elimination of the need for double taxation in some cities.

By comparing actual cost data of fire protection in the two largest departments with that of the smaller departments (on a tax rate and per capita basis), it can be seen that it is not expensive to have first-class fire protection. This is further substantiated by making a comparison of these cost factors with the National Board of Fire Underwriters grade for each fire department.

We have shown that there are numerous deficiencies in fire protection today as it exists in Los Angeles County, resulting from the fact that: (1) there are numerous fire stations located inefficiently because of jurisdictional restrictions; (2) there is a lack of interdepartmental communication facilities, which is a barrier to efficient operation; (3) apparatus and equipment are not standardized, making interdepartmental cooperation more difficult; (4) there is a lack of standardization of training, and, in fact, a lack of any training in many of the cities; (5) the pay, hours and working conditions differ between cities to such an extent that there is a continual migration to the large departments by employees seeking to better themselves; (6) there are many differences in fire prevention codes being used by the cities in the county, causing a great deal of confusion to the citizens; and (7) mutual aid is not the answer to problems of everyday fire protection. We believe that metropolitan fire protection would eliminate these deficiencies as outlined earlier in this study

We believe that the disadvantages of consolidation, as set forth in this study, will not constitute a real problem if an honest effort is made to overcome them. Section B of this chapter covers briefly the items which require further study in this connection.

B. PROBLEM AREAS—NEED FOR FURTHER STUDY

1. **Retirement Systems.** There are many retirement systems in effect in fire departments throughout the county. Variations of the State Retirement System are used by most of the cities. The Los Angeles City Fire Department, Los Angeles County Fire Department, and Pasadena Fire Department have their own retirement systems. Long Beach has two systems in effect—the old system which was a pay-as-you-go pension system has now been replaced by the State Retirement Plan. However, there are still a number of employees in the old Long Beach System.

The main stumbling block to functional consolidation of the fire services in Los Angeles County has been the transfer of funds from one system to another. For example, at the present time should the employees of a city's fire department be integrated into the county fire department, only the employee's contribution may be withdrawn from the state system and transferred to the county retirement system. The city's share of contribution is lost, and a large make-up payment into the county retirement system by the employee or his city would be necessary in order to retain all prior retirement rights for the employee. The only known existing way to solve this problem is for the employee to take a deferred retirement from the state system; but this is not fair, since his retirement benefits might be considerably less than his fellow employees that have been in the county system from the beginning. Appropriate new legislation probably represents the only way that this problem can be solved equitably.

After establishment of a metropolitan fire department, it might be found necessary to establish a retirement system strictly for the metropolitan department. Therefore, the same thing would hold true—all retirement moneys would have to be transferred from present systems into this system in order to allow the employees to use prior years' service for retirement.

It became apparent that future study was needed in this area when members of this organiation tried to determine the percentage of the city's contribution to the State Retirement System for use in the "Present Cost of Fire Protection in Los Angeles County" section. It was found that plans varied from 5 percent to 15 percent according to the benefits the city desires to give their employees, even in those cases where they were all members of the state system.

Another question yet to be answered is how much will the employee and/or the city have to put into the new system in order to "buy" the back time where there are increases in benefits. We are confident that several steps can be taken, including study by an actuary, which should resolve this question.

2. **Fire Insurance Grade.** The effect consolidation of the many fire departments into a Metropolitan Fire Department will have on the fire insurance grade remains to be seen. It would take an analysis by the Board of Fire Underwriters to determine the various factors that enter into fire protection and how much weight to give each factor. The metropolitan fire department should be at least as efficient as the two largest fire departments are in Los Angeles County today. Since the

Los Angeles City Fire Department is in Class I and portions of the Los Angeles County Fire Department are in Class II, it seems logical that the Metropolitan Fire Department would be in one of these two classes. Therefore, the total over-all city or area grade of the Board of Fire Underwriters should be reduced substantially in most other cities and communities.

The entire County of Los Angeles should have a complete National Board of Fire Underwriters' survey, disregarding city boundary lines. In this way it would be possible to determine not only the anticipated new fire insurance grades under consolidation for all cities and unincorporated areas, but the possibilities of eliminating engine companies that are now located too close together.

3. **Integration of the Fire Chief.** Each city in Los Angeles County has its own fire chief, and many have deupty chiefs, assistant chiefs, and/or battalion chiefs. In all, there were 198 chiefs in the County of Los Angeles at the time of the survey conducted by the Federated Fire Fighters of California in June, 1956 (see Appendix A).

This organization, in attempting to determine manpower needs for a metropolitan fire department, made a tentative organizational chart. It was found that aproximately 140 chiefs would be necessary to run the metropolitan fire department according to the National Board of Fire Underwriters' standards (see Appendix C).

This brings up a problem that should be reconciled. Even though many of the fire chiefs in the small cities have few, if any, firemen under them, and are receiving only a rate of pay comparable to a captain in one of the major fire departments, there would still be a loss of prestige and freedom of activity that the fire chiefs now enjoy. At least three of these cities, which have volunteer fire departments, have chiefs that devote only part of their time to this position. Specifically, two are employees of the police department in their respective cities, and one is a water department official.

It might also be noted that many of these chiefs are nearing retirement age, or in fact have previously retired from other fire departments, and would not elect to remain in the metropolitan department. At any rate, it would be imperative to integrate all of the chiefs, who so desired, into the metropolitan department with no loss of compensation. It is probable that if a study is made of this problem, perhaps by the chiefs themselves, a satisfactory answer would result.

4. **Tax Basis.** Another factor that might require study is how to have a fair tax basis for the cities with extremely high assessed valuation. Such cities as Vernon, Beverly Hills, El Segundo, and the unincorporated East Los Angeles area, possibly should be treated in a different manner than the other areas in Los Angeles County For example, the City of El Segundo has an assessed valuation averaging approximately five times that of the other cities in Los Angeles County of similar population. Therefore, if they were required to pay the same fire tax rate as the rest of the county, they would be paying approximately five times more than they were receiving in the way of fire protection. This might be an unjust cost to these high evaluation areas. We believe that this type of problem can be fairly solved in various alternative ways which can be submitted when desired.

5. **Control Over the Type of Fire Protection Desired by the City.** In the preceding chapter, methods were suggested for establishing a metropolitan fire protection organization. Depending upon the type of organizational structure used to establish this function, there will be various degrees of control allowed the city in the type or quality of fire protection they desire. This has been pointed out in the section on possible disadavantages.

This subject should be given a great deal of thought when the "blueprint" is drawn for establishment of this organization.

C. RECOMMENDATIONS

It will be noted in Section C of Chapter IV that, based on the findings resulting from this study, it is recommended that steps be taken to allow for the ultimate functional consolidation of fire protection services within Los Angeles County In this same section of the study, we have presented three alternative plans of best accomplishing this functional consolidation. We believe these are the three most practical plans which best lend themselves to adaptability to the fire protection needs of Los Angeles County.

In conclusion, the Federated Fire Fighters of California recommend immediate study of the problems raised in the preceding section. It is our belief that proper solutions can be found to these problems. At the same time, such study will undoubtedly reveal which of the three alternative plans we have presented for consideration are most practical in the case of Los Angeles County, as well as the extent to which one of the three plans may need modification in the interest of the most advantageous consolidation of the fire protection services.

It is our sincere belief that if the various avenues of approach indicated by this study are explored objectively and realistically, a functional consolidation of fire protection services in Los Angeles County will ultimately result in substantial benefits to the citizens of Los Angeles County and to the employees of the cities and county directly involved. It is our further hope that if this can be accomplished in an appropriate and efficient manner, it may establish a yardstick for other metropolitan areas to follow if their fire protection needs arrive at the point where functional consolidation appears to be the best possible solution.

APPENDIX A

PERSONNEL OF FIRE DEPARTMENTS IN LOS ANGELES COUNTY AS OF JUNE 9, 1956

Cities	Chief engr.	Other chiefs	Batt chiefs	Capt	Lt.	Eng	Auto firemen	Firemen	Insp
Alhambra	1	4	2	16	0	16	0	25	0
Arcadia	1	1	0	7	2	11	0	18	0
Avalon	1	0	0	1	0	0	0	1	0
Azusa	1	1	0	2	0	4	0	0	0
Bell	1	0	0	3	0	2	0	7	0
Beverly Hills	1	0	3	8	0	12	7	43	0
Burbank	1	1	3	13	0	18	0	56	0
Claremont	1	1	0	0	0	2	0	2	0
Compton	1	0	3	6	0	6	0	32	0
Covina	1	0	0	2	0	2	0	8	0
Culver City	1	2	0	7	0	6	0	36	0
El Monte	1	0	0	2	0	2	0	10	0
El Segundo	1	0	0	2	0	4	0	8	0
Gardena	1	0	0	5	0	4	0	13	0
Glendale	1	1	3	21	0	22	0	80	0
Glendora	1	0	0	0	0	3	0	2	0
Hawthorne	1	0	1	5	0	6	0	9	0
Hermosa Beach	1	0	0	0	0	0	0	0	0
Huntington Park	1	1	2	8	0	12	0	22	0
Inglewood	1	0	4	7	0	8	4	34	0
La Verne	1	0	0	0	0	0	0	0	0
Long Beach	1	3	6	51	0	55	3	221	0
Los Angeles City	1	15	36	311	0	191	286	1,841	0
Los Angeles County	1	7	22	239	0	240	0	429	0
Lynwood	1	0	0	4	0	6	0	10	0
Manhattan Beach	1	0	0	4	0	7	0	11	0
Maywood	1	0	0	2	0	0	0	8	0
Monrovia	1	0	0	2	0	2	0	19	2
Montebello	1	1	1	6	0	8	0	15	0
Monterey Park	1	0	0	4	0	4	0	16	0
Palos Verdes Estates	1	0	0	0	0	0	0	0	0
Pasadena	1	1	4	26	0	26	8	81	0
Pomona	1	1	2	14	0	16	0	29	0
Redondo Beach	1	2	0	5	0	8	0	22	0
San Fernando	1	0	0	3	0	4	0	8	0
San Gabriel	1	1	0	5	0	5	0	13	0
San Marino	1	0	0	5	0	4	0	12	0
Santa Monica	1	4	0	14	0	15	0	52	0
Sierra Madre	1	0	0	0	0	0	0	0	0
Signal Hill	1	0	0	2	0	2	0	9	0
South Gate	1	1	3	10	0	12	2	23	0
South Pasadena	1	1	0	3	0	6	2	8	0
Torrance	1	0	3	13	0	13	0	27	0
Vernon	1	3	0	6	0	18	0	40	0
West Covina	1	0	0	5	0	4	0	12	0
Whittier	1	2	0	6	2	18	0	17	0
Subtotal	46	54	98	855	4	804	312	3,329	2

Total 5,504 (This does not include proposed personnel)

SOURCE Survey conducted by Federated Fire Fighters of California

APPENDIX B

PRINCIPLES REFERRING TO ADVANTAGES OF CENTRALIZATION

"**Central Purchasing.** Central supervision of purchasing has now become accepted practice, even in the smaller units of local government.[1] Among its manifold advantages are lower prices resulting from quantity buying in which the needs of all departments are pooled. Professional buyers have a knowledge of markets and goods which enables them to purchase advantageously. Quantity buying and central storage take advantage of seasonal and cyclical market fluctutions. The pooling of purchases ensures sufficient volume to warrant setting up central control of property wastage in general. Thus central purchasing is often in charge of equipment control, salvage, product standardization, testing and inspection of materials, printing, and duplicating. Such purchasing also facilitates budget control accounting because departments must clear all proposed expenditures through both accounting and purchasing."

SOURCE: *Public Administration*, Pfiffner-Presthus (Third Edition) Ronald Press Co. (1935 and 1946) 433.

"The history of the last half century has been steadily in the direction of consolidation on all fronts. Legislative procedure has been improved and executive integration has gone far toward creating an orderly and responsible financial system. The number of independent administrative agencies has been greatly reduced, minimizing the number of separate requests for appropriations; coordination of fiscal policy has been improved by establishing finance departments and budget agencies; executive control has been extended over the administrative agencies and their expenditures; earnings of departments are paid into the treasury, and the fee officers are on their way to extinction, however desperate the fighting. Leadership in financial matters has been definitely transferred to the chief executive, and year by year it is becoming more effective."

SOURCE: *Introduction to the Study of Public Administration*, Leonard D White, Macmillan Co., N Y. (1954), p. 233

"Centralized purchasing is the proper approach to most supply problems. It usually ensures lower prices through volume purchases, better management of stores, and more economical utilization of equipment. Centralized purchase requires that the using agencies procure their supplies and equipment through the purchasing department. This department is required by law to purchase from the lowest responsible bidder. As a result, purchases in excess of a certain amount must be advertised and submitted to sealed competitive bids.

"If an organization is large enough it may profitably maintain stores or warehouses which stock goods in regular demand. A successful supply operation requires that an effort be made to standardize the items in common use and that a system of permanent inventory property accounting be installed. When a supply store serves more than its own agency, it will operate on a revolving fund basis, making invoice charges to its customers, just as in private merchandising."

SOURCE: *Public Administration*, Pfiffner-Presthus (Third Edition) Ronald Press Co., N. Y. (1935 and 1946) P. 440.

[1] Russell Forbes, *Purchasing for Small Cities*, Pub No. 104 (Chicago: Public Administration Service, 1951), p 1.

"**The Procurement Process.** Although still far from universal practice in American cities, the centralization of purchasing for all municipal departments in one office headed by a purchasing agent offers indisputable advantages which are overwhelming. The economies which flow from large wholesale orders, standardized equipment and supplies, full-time qualified personnel, centralized stores, and modern procedures generally, are increasingly being enjoyed by progressive municipalities."

SOURCE: *Municipal Administration*, John M. Pfiffner, Ronald Press Co, N. Y. (1940) P. 116.

"It is clear that *centralization* also has positive value connotations, reflecting mainly the technical efficiency attending the centralization of purchasing, supply, decision, and production in big business. In public administration, these values are visible in moves to centralize purchasing, budgeting, general services, and so forth, in an effort to achieve a similar efficiency. * * *"

SOURCE: *Public Administration*, John M. Pfiffner. Ronald Press Co, N. Y., (1953), P. 212.

"In many highly urbanized counties perhaps the most effective arrangement for fire protection can be provided by consolidation of the fire departments within the county into one county department, administered by the county board. Such a plan has been suggested in Milwaukee County, in Los Angeles County, and in Hudson County, New Jersey. In each instance it was pointed out that tremendous savings would be possible both in fire fighting and in insurance costs by such consolidation. Consolidation in itself, however, may not be a remedy and does not automatically bring the economies possible."

SOURCE: The International City Managers' Assoc., *Municipal Fire Admin* (Chicago, I. C. M. A., 1950) P. 76.

"Should the number of 'outside' responses continue to increase, should the fire districts continue to consolidate into the single 'consolidated' district, there enters the possibility in the future of a positive, integrated fire protection service for the general metropolitan area of Los Angeles. This perhaps would afford the most uniform, efficient, and economical service for all residents in the areas affected."

SOURCE: Trump, James & Donoghue & Kroll, *Metropolitan Los Angeles, VI. Fire Protection* (L. A. Haynes Foundation, 1952).

"Municipalities restricted in territorial jurisdiction in the operation of their functions, and to boundary strait jackets in their political thinking, are bound to find themselves duplicating work, conflicting in authority, and bearing an unfair burden of the general cost of carrying the overhead services of the county government.

"A careful examination and frank discussion of the entire problem by intelligent and progressive citizens and civic organizations in the various areas is indicated by the seriousness of the financial situation.

"Many public services essential to a metropolitan community cannot possibly be effective, or be administered economically, except on a community-wide basis."

SOURCE: Bemis, George and Basche, Nancy, *L. A. County As an Agency of Municipal Government* (1946, Haynes Foundation, L. A.).

* * * "The typical metropolitan area is one of dense population with a pressing need for government services of all kinds. It is criss-crossed by artificial boundaries which, in most cases, were established before cities 'grew together.' These legal boundaries no longer fit the political, economic, and social realities. The basic structure of our municipalities is out of date and must be planned anew. We no longer can think of local government in terms of individual cities. One of the immediate problems is to bring the central city and the rapidly developing suburbs together for purposes of planning and providing the services which everyone needs."

SOURCE: Jones & Wilcox, *Metropolitan Los Angeles: Its Governments*, (L. A., Haynes Foundation, 1949) P. 139-143.

APPENDIX C

SUGGESTED ORGANIZATIONAL CHARTS FOR A METROPOLITAN FIRE DEPARTMENT

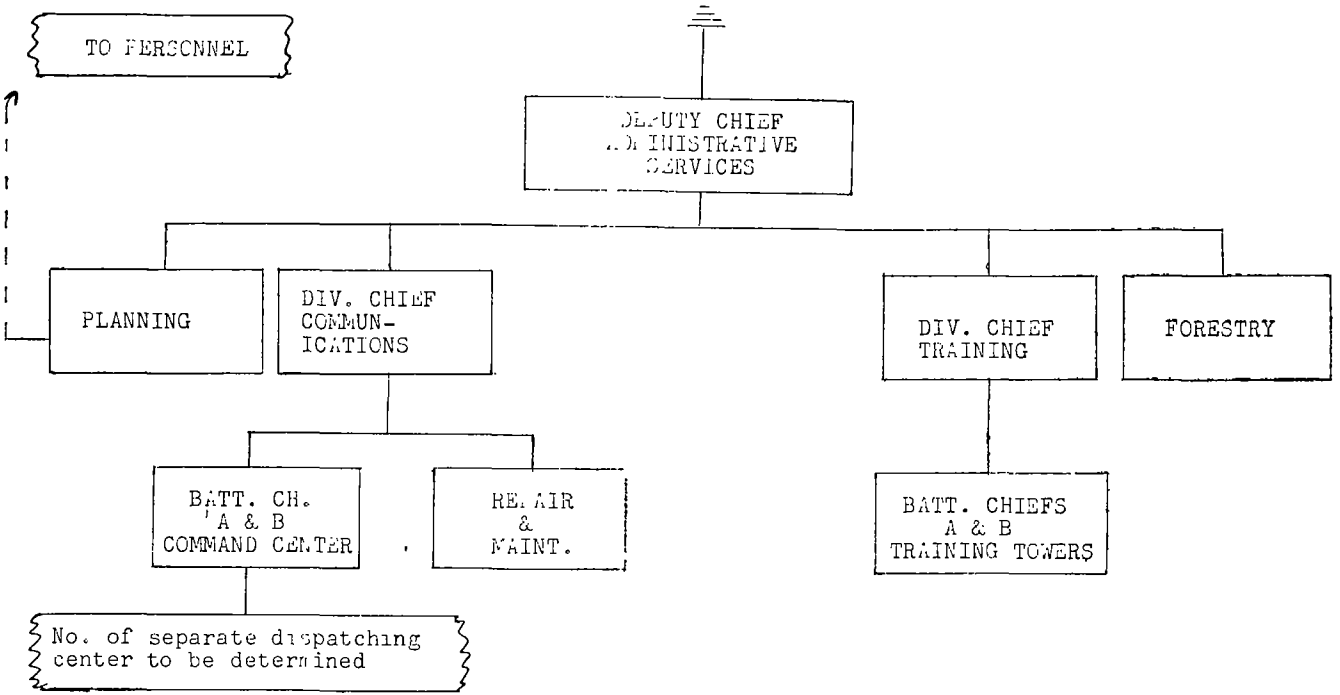
The following organizational charts are not intended to convey the complete and total picture of the proposed organization and merely represent our tentative thinking on this subject. They are, in a sense, merely a skeleton structure, pointing out the general functional activities and giving the reader an appreciation and understanding of the breadth and scope of such an organization.

However, we do not mean to imply that this organizational structure is not sound in its operational adaptability. To the contrary, we believe that this basic structure could very effectively be moulded into an efficient and complete organization in every respect.

We wish to point out that the "governing body" which would head this organization could not be shown because of the different bases which might be applied to establish the organization.

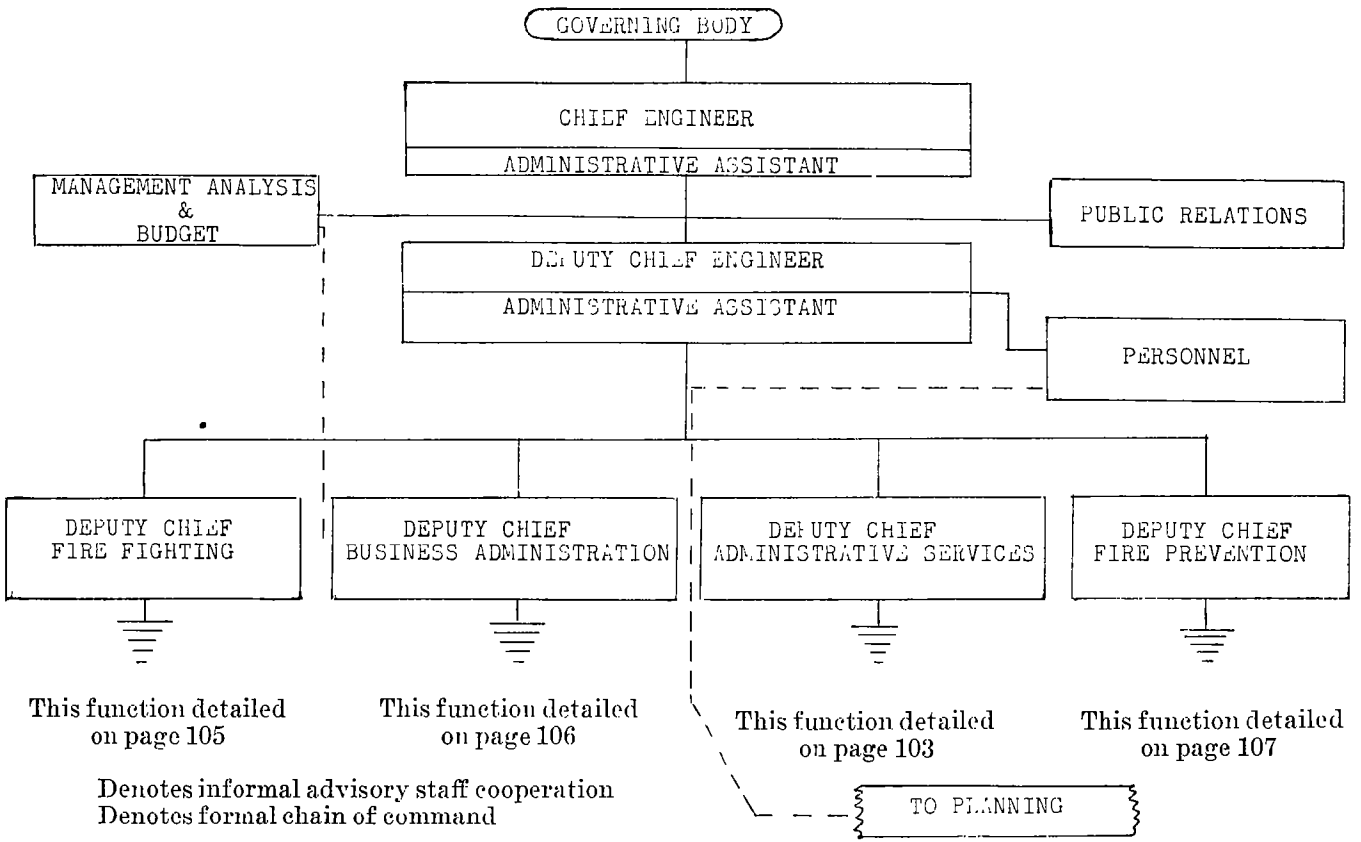
We have endeavored to embody within this organizational chart all of the N. B. F. U. major recommendations which we believe would enable such a fire protection organization to gain and maintain a Class I rating.

ADMINISTRATIVE SERVICE FUNCTION
See Chart on Page 104

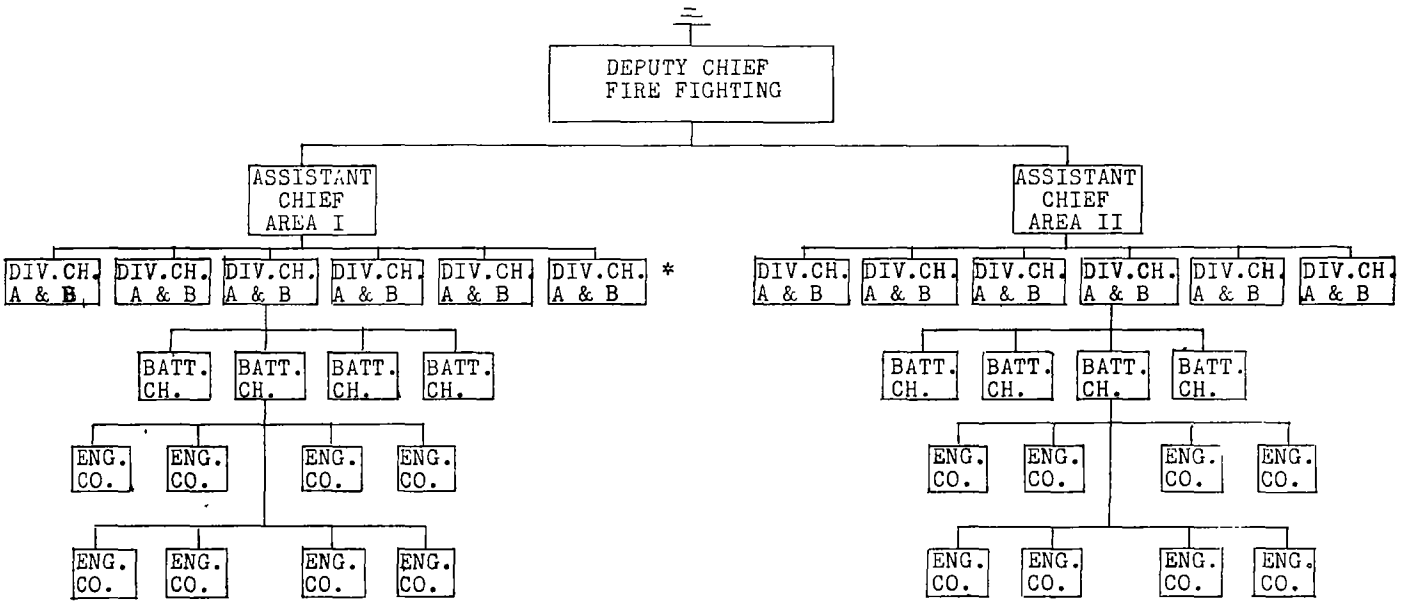


- - - - denotes informal advisory staff cooperation

ORGANIZATION CHART
County-wide Metropolitan Fire Department

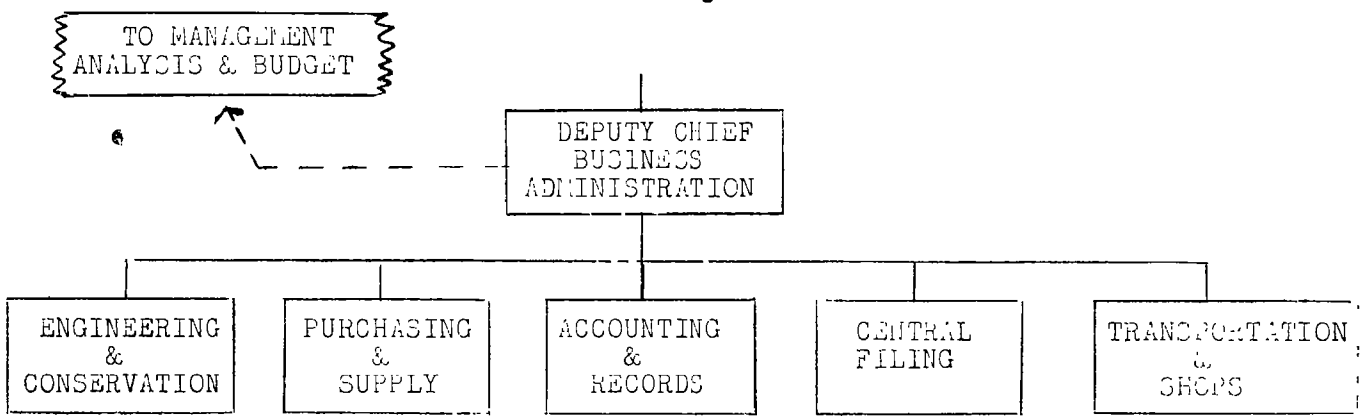


FIRE-FIGHTING FUNCTION
See Chart on Page 104



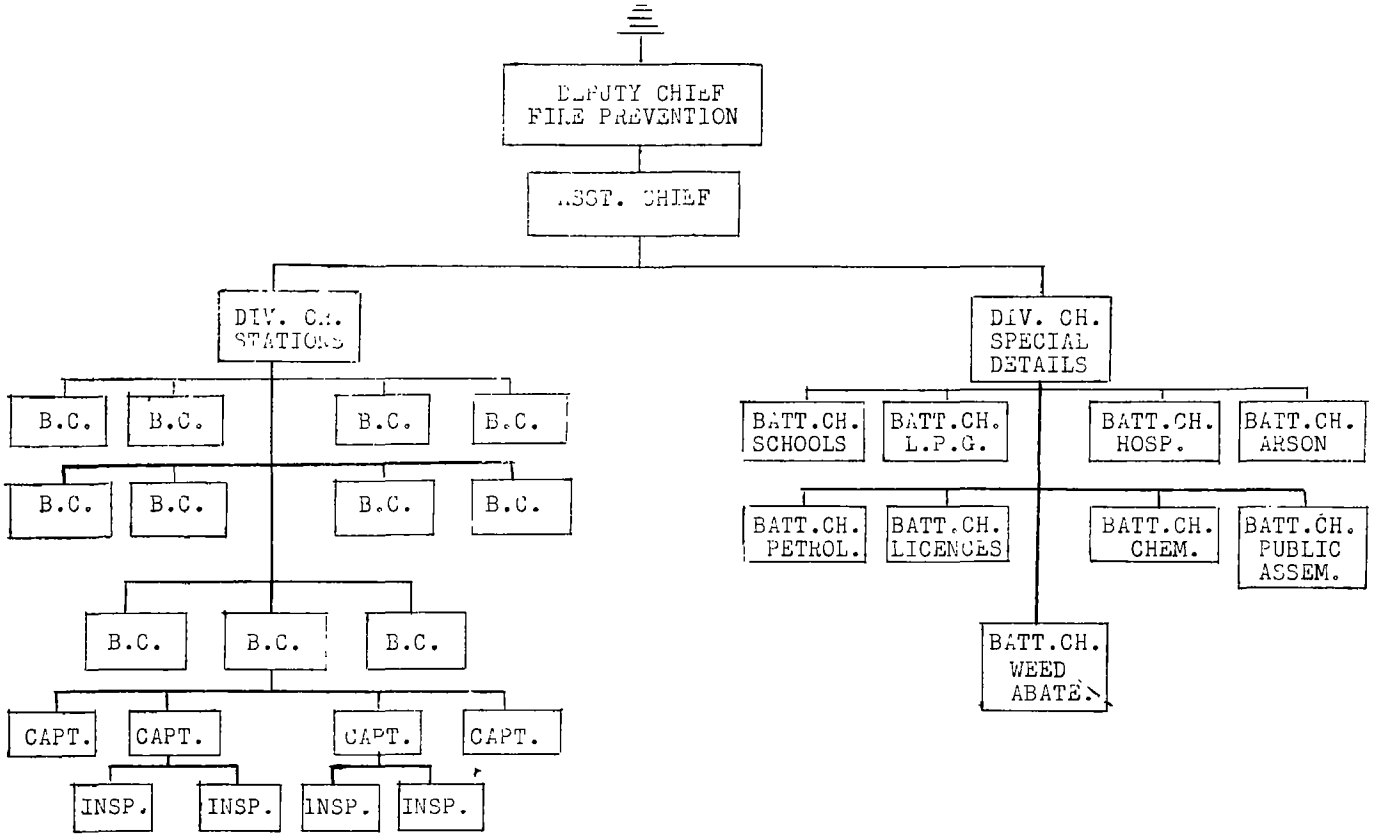
* Some divisions will encompass four battalions while some will only encompass three; depending upon relative distances, locations, high value areas, topography, etc.

BUSINESS ADMINISTRATION FUNCTION
See Chart on Page 104



- - - - - Indicates informal advisory staff cooperation (See page 104)

FIRE PREVENTION FUNCTION
See Chart on Page 104



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1955-1957
VOLUME 7 NUMBER 2

REPORT OF

ASSEMBLY INTERIM COMMITTEE ON ELECTIONS AND REAPPORTIONMENT

MEMBERS OF THE COMMITTEE

CHARLES J. CONRAD, *Chairman*
CARLOS BEE, *Vice Chairman*

FRANK G. BONELLI
MONTIVEL A. BURKE
RICHARD J. DOLWIG
AUGUSTUS F. HAWKINS
LESTER A. McMILLAN
CARLEY V. PORTER
EARL W. STANLEY
CASPAR W. WEINBERGER

FRANKIE M. GROSS, *Secretary*

March, 1957

Published by the
ASSEMBLY
OF THE STATE OF CALIFORNIA

HON. L. H. LINCOLN
Speaker

HON. CHARLES J. CONRAD
Speaker pro Tempore

HON. RICHARD H. McCOLLISTER
Majority Floor Leader

HON. WILLIAM A. MUNNELL
Minority Floor Leader

ARTHUR A. OHNIMUS
Chief Clerk

LETTER OF TRANSMITTAL

HONORABLE L. H. LINCOLN
Speaker of the Assembly, and
Members of the Assembly
Assembly Chamber, Sacramento

GENTLEMEN: Pursuant to House Resolution 168 read and adopted on pages 5578-79 by the Assembly of California at the 1955 Regular Session of the Legislature, the Assembly Interim Committee on Elections and Reapportionment herewith submits its report.

Respectfully submitted,

CHARLES J. CONRAD, Chairman
CARLOS BEE, Vice Chairman
FRANK G. BONELLI
MONTIVEL A. BURKE
RICHARD J. DOLWIG
AUGUSTUS F. HAWKINS
LESTER A. MCMILLAN
CARLEY V. PORTER
EARL W. STANLEY
CASPAR W. WEINBERGER

HOUSE RESOLUTION No. 168

Relative to constituting the Assembly Standing Committee on Elections and Reapportionment an interim committee

Resolved by the Assembly of the State of California, As follows:

1. The Assembly Standing Committee on Elections and Reapportionment of the 1955 Regular Session is hereby constituted an interim committee and is authorized and directed to ascertain, study and analyze all facts relating to elections, the election process, the initiative and referendum, the circulation of political petitions and the obtaining of signatures thereto, and qualifications thereof, the apportionment and reapportionment of the State into districts for election purposes, including the reapportionment of congressional districts, the conduct of elections and the challenge of voters, and the duties and functions of state and county central committees in connection with the election process, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon or related to the subject of this resolution, and to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of the members of the Assembly Standing Committee on Elections and Reapportionment for the 1955 Regular Session. The chairman and vice chairman shall be the chairman and vice chairman of the standing committee. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1957 Regular Session, with authority to file its final report not later than the fifth legislative day after the constitutional recess during such session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To travel, or appoint a subcommittee or committee employee to travel, within or outside of this State and the United States in pursuing the investigation committed to it.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of two thousand five hundred dollars ($2,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

INTRODUCTION

The Assembly Interim Committee on Elections and Reapportionment was created pursuant to the provisions of House Resolution 168 of the 1955 Regular Session adopted June 6, 1955, Assembly Journal, pp 5578-79. The following members of the Assembly were appointed to serve as members of the committee: Charles J. Conrad, Chairman, 57th District; Carlos Bee, Vice Chairman, 13th District; Frank G. Bonelli, 52d District; Montivel A. Burke, 53d District; Richard J. Dolwig, 26th District; Augustus F. Hawkins, 62d District; Lester A. McMillan, 61st District; Carley V. Porter, 69th District; Earl W. Stanley, 74th District; and Caspar W. Weinberger, 21st District.

The committee wishes to extend a special note of commendation to Mr. Edward K. Purcell of the Office of the Legislative Counsel for his untiring labors in the compilation of the many different types of elections scattered throughout the various codes and the preparation of the chart which is to be found as an appendix to this report, as well as his traditional role as legal advisor to the Committee on Elections and Reapportionment.

Another thank you goes to Mr. Duane W. Wheeler who reproduced the chart for distribution to members of the committee, county clerks and other citizens interested in election matters without cost to the committee.

Once again, the committee enjoyed the capable services of Mrs. Frankie M. Gross, who served as secretary.

The charts dealing with population trends were again prepared under the direction of Mr. Carl E. Frisen, Associate Research Technician for Population Studies, Division of Budgets and Accounts, with the valued assistance of Messrs. Robert W. Formhals, Administrative Assistant to the State Architect, and Albert Keating, Supervising Architectural Draftsman. These gentlemen also merit the commendation of this committee.

SCOPE OF REPORT

Under House Resolution 168, the Assembly Interim Committee on Elections and Reapportionment was authorized and directed to ascertain, study and analyze all facts relating to elections, the election process, the initiative and referendum, the circulation of political petitions and the obtaining of signatures thereto, and qualifications thereof, the apportionment and reapportionment of the State into districts for election purposes, including the reapportionment of congressional districts, the conduct of elections and the challenge of voters, and the duties and functions of state and county central committees in connection with the election process, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon or related to the subject of this resolution, and to report thereon to the Assembly, including in the report its recommendations for appropriate legislation.

FINDINGS

1. ELECTION PROCEDURE

There are 274 different types of elections contained in codes other than the Elections Code, each with its own system of procedure (method of calling, giving notice, formation of precincts, printing of ballots, etc.). Obviously, there are many conflicting procedures in these elections that cause considerable confusion not only to the voter but to those who are charged by law with the responsibility of calling and conducting such elections. In order to bring this to the attention of the Legislature and the people of California, the Interim Committee on Elections and Reapportionment has prepared a complete chart on these various elections which is to be found as an appendix to this report.

2. COUNTY CLERKS AND REGISTRARS OF VOTERS

Once again this committee is happy to acknowledge the fine cooperation we have received from the various county clerks, registrars of voters, the Secretary of State and others engaged in the preparation and conduct of elections. The conduct of elections is never a static matter and changes will be suggested from experiences found in every election. As in several years past, a meeting of this interim committee was held after the general election in order to afford these people the opportunity of presenting their recommendations for changes in the Elections Code so that such changes as were deemed noncontroversial might be prepared prior to the convening of the 1957 Session of the California Legislature. The recommendations presented by this committee can be found on page 11.

3. POPULATION TRENDS AND REAPPORTIONMENT

We are now less than four years away from the next federal census upon which the 1961 Reapportionment Act must be based. On page 12 will be found a study in population trends by assembly districts comparing the 1950 census population with the estimates of population as of July 1, 1956 In addition, because of the current interest in the coming reapportionment of the State's political districts, we have projected those estimates to April 1, 1960, the date of the next federal census. On page 16 will be found a chart giving estimates of that population and assembly district entitlements of each county, together with another chart on page 20 listing the congressional district entitlements. For purposes of this report, we have assumed that California will be assigned 37 congressional districts in 1961.

4. MECHANICAL TABULATING DEVICES

With the ever-increasing use of machinery in business and industry, it is logical to assume that there will be increased utilization of voting machines and that there will be developments beyond the traditional

voting machine which is ill adapted to some of the areas in the State of California and toward the use of some sort of electronic device for the tabulation of votes. Recently, the Board of Supervisors of Los Angeles County contacted the manufacturers of various types of electronic equipment and asked for bids on an electronic vote tabulator. It is not possible at this time to determine what type of machine will ultimately be utilized but as such machines are developed there unquestionably will be a need for future legislation on the subject.

5. POLITICAL PARTIES

Observers on the political scene are generally agreed that there is an ever-increasing interest here in California in the activities and responsibilities of the various political parties. The Interim Committee on Elections and Reapportionment has continued the practice of holding a meeting to coincide with the state conventions and State Central Committee meetings of the major political parties in order to receive the suggestions of rank and file members as well as the leaders in those parties. This committee is happy to report an increased amount of contact and correspondence from citizens from all walks of life in our State presenting suggestions for strengthening the political parties by legislative action.

6. CAMPAIGN CONTRIBUTIONS

Political campaigns at every level of government become increasingly expensive from year to year due partly to the increase in California's population, partly through the utilization of expensive advertising media such as television and partly to the general increase in the cost of goods and services going into a political campaign. There is a recognition on the part of both candidates and the general public that campaigns are expensive operations and there has been a definite increase in the amount of campaign contributions and expenditures reported by the various political candidates in the recent primary and general elections.

7. SMEAR SHEETS

While the use of the so-called "Smear Sheet" especially in the last days of a heated campaign, has not disappeared from view, there is some evidence that its use is not as widespread as in former years. It is hoped that the strengthening of the law dealing with such campaign literature enacted during the 1955 Session contributed to this state of affairs.

8. PRESIDENTIAL PRIMARY

The 1956 presidential primary election in California saw a minimum amount of protest against the presidential primary law, Chapter 1458, of the 1955 Session of the California Legislature. That, however, does not indicate that the act itself was perfect. Should 1960 find one or both of the major political parties in a wide open race to nominate a candidate for President of the United States, there will, undoubtedly, rise once again a demand for an open presidential primary or the selection of delegates by congressional districts.

RECOMMENDATIONS

1. While it is probably impossible to completely standardize the 274 elections listed in codes other than the Elections Code, there should be incorporated within the Elections Code some sort of a standard form for district elections which could be substituted for at least part of the present elections.

2. This committee recommends continued cooperation with the county clerks, registrars of voters and others who deal with the preparation and conduct of elections. Much valuable information has been obtained by having members of this interim committee attend the various conventions of the county clerks. The practice of holding a meeting after each general election for the purpose of considering technical changes that may be introduced at the coming general session of the Legislature should be retained.

3. Future Interim Committees on Elections and Reapportionment should study and observe developments in the field of electronic vote tabulators in order to be able to recommend any changes in the Elections Code that may be necessary for utilization of such machines as are approved by the State Voting Commission.

4. We strongly urge that future committees continue a close association with both the leadership and rank and file of the various political parties. The custom of holding meetings to coincide with the state conventions and State Central Committee meetings of the various political parties also should be continued.

5. There is a necessity for a continued study of the laws dealing with compaign contributions and campaign expenditures either by the Committee on Elections and Reapportionment or some state-wide commission that might be set up by the Legislature to review this most important matter.

6. The current Committee on Elections and Reapportionment should study that section of this report dealing with the projected population for April 1, 1960, as it relates to assembly and congressional districts so that, if deemed advisable, a constitutional amendment dealing with reapportionment may be submitted to the people prior to the 1961 General Session of the State Legislature.

POPULATION TRENDS AND FUTURE REAPPORTIONMENT

The tremendous growth in California's population has its effect upon the political as well as the social and economic life of our State. In addition, California is one of the few states having a constitutional provision for mandatory reapportionment of legislative districts every tenth year following the federal census.

These factors have made the study of population trends one of continuing interest and the Assembly Interim Committee on Elections and Reapportionment has issued a yearly report on the subject. Now, with the next federal census in the offing, we have gone one step further and projected the population estimates to that date, translating them into assembly district and congressional district entitlements. For the purpose of the congressional chart, we have assumed that California will be assigned 37 congressional districts in 1961.

CHART A—ASSEMBLY DISTRICT ENTITLEMENTS AS OF JULY 1, 1956

Chart A, to be found on page 14, gives the population by assembly districts as of July 1, 1956, and shows the change in assembly district entitlements since the last federal census on April 1, 1950. Ever since the first study in 1953, the trends established in that original survey have continued which leads to the conclusion that a fairly sound forecast can be made as to what may happen after the next federal census. While there has been an increase in population throughout most of the State, the flow of population is from the rural areas to the metropolitan districts and from the inland valley and northern mountain districts to the south and coastal areas.

CHART B—PROJECTED ENTITLEMENT OF ASSEMBLY DISTRICTS IN 1960

Chart B, to be found on page 16, projects the population by assembly districts to April 1, 1960, the date of the next federal census, and attempts to make a prediction of what may happen under the 1961 Assembly District Reapportionment Bill.

It is estimated that California's population as of April 1, 1960, will be 15,570,000, an increase of approximately 5,000,000 over the decade, which raises the population of the average assembly district from 132,328 to 194,600. However, it must be kept in mind that unless our constitutional requirements are changed, it is necessary to observe county lines in the formation of assembly districts which, in turn, makes it impossible to form 80 districts of exactly or even approximately 194,600. Therefore, it is safe to assume that the actual 1961 Reapportionment Bill will contain the usual compromises whereby (for example) one county in Southern California may have to absorb additional population to make up for Imperial, while, in turn, some area in Central California does likewise to balance out San Benito and Santa Cruz. Despite this handicap, a few firm predictions can be made.

The metropolitan areas have increased by almost one assembly district (0.81) with a corresponding loss by rural areas. Southern California has gained three assembly districts while Northern California has lost 0.13 of a district. Central California has lost almost three districts (2.92), the greatest loss occurring in the San Joaquin Valley which has lost 1.48 assembly districts.

The chart shows San Francisco almost certain to drop from six Assemblymen to four (entitlement 4.23) while Alameda shows a definite drop from six to five (entitlement 4.95). Santa Clara definitely gains a third Assembly seat (3.02).

In the south, Los Angeles may recover the one seat lost in 1951, having gained 0.45 of an assembly district for an entitlement of 31.83. Orange, with the greatest gain of any single county, has climbed from 1.63 to 3.03 assembly districts and will definitely be entitled to a third district. San Diego also gains an additional assembly district (entitlement 5.24).

CHART C—PROJECTED ENTITLEMENT OF CONGRESSIONAL DISTRICTS IN 1960

(Assuming 37 Congressmen)

Chart C, to be found on page 20, makes a similar estimate at the congressional level. Any attempt to predict future congressional districts is even more hazardous than that of assembly districts because the present constitutional requirements make for larger variations.

Secondly, there is again the probability of legislative compromise whereby an area which has been "shorted" in assembly district entitlement is repaid by being given an additional fraction of a congressional district. Finally, the number of Congressmen assigned to California is the prerogative of the Federal Government and under their complicated system of reapportionment, it is impossible to give a firm estimate as to the number of congressional districts that actually will be given to California. The figure 37 is the one most commonly used, hence has been adopted in this report.

Since the number of Congressmen, whatever it may be, will be in excess of 1951, areas that have *lost* assembly district entitlement still may have *gained* at the congressional level. Thus, the metropolitan areas of California seem due to receive an additional five Congressmen (5.11) and the rural areas an additional two (1.89). The same holds true on a geographical level with Southern California gaining five (5.19), Central California 1.34 and Northern California 0.48.

San Francisco, although losing Assemblymen, holds two congressional seats as does Alameda County. The County of Santa Clara now joined to San Benito and Santa Cruz Counties will be entitled to more than one congressional district (1.40) in 1961. Los Angeles County with an entitlement of 11.77 Congressmen after the 1950 census was assigned 12 districts in 1951. By 1960, Los Angeles County will have gained almost three congressional districts (2.95) and will have a congressional entitlement of 14.72. Orange County which rated 0.61 of a congressional district in 1950 has climbed to 1.40 while San Diego County has gained from 1.58 to 2.42 congressional districts. Since, at the congressional level it is possible to split counties provided assembly districts remain intact, there will be additional room for compromise in this area.

CHART "A"

SHIFTS IN POPULATION BY ASSEMBLY DISTRICTS

April 1, 1950, to July 1, 1956

Assembly district	County	Code	April 1, 1950 population	[b]A E.	July 1, 1956 population	[b]A.E.	+ / —
1	Del Norte	N-NC	8,078	0 06	16,200	0 10	+0 04
	Humboldt	N-NC	69,241	0 52	96,500	0 57	+0 05
	Mendocino	N-NC	40,854	0 31	55,100	0 33	+0 02
	Total		118,173	0 89	167,800	1 00	+0 11
2	Trinity	N-NM	5,078	0 04	6,500	0 04	0 00
	Shasta	N-NM	36,413	0 27	45,000	0 26	—0 01
	Siskiyou	N-NM	30,733	0 23	32,200	0 19	—0 04
	Modoc	N-NM	9,678	0 07	9,500	0 06	—0 01
	Lassen	N-NM	18,474	0 14	16,900	0 10	—0 04
	Plumas	N-NM	13,519	0 10	11,800	0 07	—0 03
	Sierra	N-NM	2,410	0 02	2,200	0 02	0 00
	Total		116,305	0 88	124,100	0.74	—0 13
3	Tehama	N-SV	19,276	0 15	20,300	0 12	—0 03
	Glenn	N-SV	15,448	0 12	16,300	0 10	—0 02
	Lake	N-NC	11,481	0.09	11,000	0 06	—0 03
	Colusa	N-SV	11,651	0 09	11,400	0 06	—0 03
	Yolo	N-SV	40,640	0 30	53,100	0 31	+0 01
	Total		98,496	0 74	112,100	0 65	—0 10
4	Butte	N-SV	64,930	0 49	69,300	0 41	—0 08
	Yuba	N-SV	24,420	0 18	28,100	0 17	—0 01
	Sutter	N-SV	26,239	0 20	28,500	0 17	—0 03
	Total		115,589	0 87	125,900	0 75	—0 12
5	Napa	C-NC	46,603	0 35	57,900	0 34	—0 01
	Solano	C-M	104,833	0 79	118,600	0 70	—0 09
	Total		151,436	1 14	176,500	1 04	—0 10
6	Nevada	N-NM	19,888	0 15	18,200	0 10	—0 05
	Placer	N-NM	41,649	0 31	47,400	0 28	—0 03
	El Dorado	N-NM	16,207	0 12	17,100	0 10	—0 02
	Amador	N-NM	9,115	0 07	8,900	0 05	—0 02
	Calaveras	C-CM	9,902	0 07	9,500	0 06	—0 01
	Alpine	C-CM	241	0 00	300	0 01	+0 01
	Tuolumne	C-CM	12,584	0 10	15,300	0 09	—0 01
	Mariposa	C-CM	5,145	0.04	4,200	0.02	—0 02
	Inyo	C-CM	11,658	0 09	12,400	0 07	—0 02
	Mono	C-CM	2,115	0 02	2,200	0 02	0 00
	Total		128,504	0 97	135,500	0 80	—0 17
7	Sonoma	C-NC	103,405	0 78	132,200	0.78	0.00
	Marin	C-M	85,619	0 65	121,100	0 71	+0 06
	Total		189,024	1.43	253,300	1.49	+0 06
8 & 9	Sacramento	N-SV	277,140	2 10	403,700	2 38	+0 28
10 & 11	Contra Costa	C-M	298,984	2 26	351,400	2 06	—0 20
12	San Joaquin	C-SJ	200,750	1 52	232,900	1 37	—0 15
13-18	Alameda	C-M	740,315	5 59	881,300	5 18	—0 41
19-24	San Francisco	C-M	775,357	5 86	798,900	4.70	—1 16
25 & 26	San Mateo	C-M	235,659	1 78	360,900	2.12	+0.34

[b] Assembly entitlement.

CHART "A"—Continued

SHIFTS IN POPULATION BY ASSEMBLY DISTRICTS

April 1, 1950, to July 1, 1956

Assembly district	County	Code	April 1, 1950 population	[b]A.E.	July 1, 1956 population	[b]A.E.	+ / —
27	San Benito	C-CC	14,370	0 11	15,100	0 09	—0 02
	Santa Cruz	C-CC	66,534	0 50	68,000	0 40	—0 10
	Total		80,904	0 61	83,100	0 49	—0 12
28 & 29	Santa Clara	C-CC	290,547	2 20	467,100	2 74	+0 54
30	Stanislaus	C-SJ	127,231	0 96	144,300	0 85	—0 11
31	Merced	C-SJ	69,780	0 53	83,600	0 49	—0.04
	Madera	C-SJ	36,964	0 28	38,100	0 22	—0 06
	Total		106,744	0 81	121,700	0.71	—0 10
32 & 33	Fresno	C-SJ	276,515	2 09	324,900	1 91	—0 18
34	Monterey	C-CC	130,498	0 98	178,300	1 05	+0 07
35	Kings	C-SJ	46,768	0 35	47,100	0 28	—0 07
	Tulare	C-SJ	149,264	1.13	144,900	0 86	—0 27
	Total		196,032	1.48	192,000	1 14	—0 34
36	San Luis Obispo	S-CC	51,417	0 39	60,500	0 35	—0 04
	Santa Barbara	S-SC	98,220	0 74	112,100	0 66	—0.08
	Total		149,637	1 13	172,600	1 01	—0 12
37	Ventura	S-SC	114,647	0 87	153,300	0.90	+0 03
38 & 39	Kern	C-SJ	228,309	1 73	267,600	1 58	—0.15
40-70	Los Angeles	S-M	4,151,687	31.38	5,397,600	31 75	+0.37
71	Riverside	S-D	170,046	1 29	225,500	1 33	+0 04
72 & 73	San Bernardino	S-D	281,642	2.13	399,700	2.35	+0.22
74 & 75	Orange	S-M	216,224	1 63	414,200	2.44	+0.81
76	Imperial	S-D	62,975	0.47	69,200	0 41	—0 06
77-80	San Diego	S-M	556,808	4.21	864,600	5 09	+0 88
	North	N	812,562	6.14	1,025,200	6 05	—0 09
	Central	C	4,069,950	30 76	4,878,100	28.70	—2 06
	South	S	5,703,711	43 10	7,696,700	45 28	+2 18
	North Coast	NC	279,662	2 11	368,900	2 18	+0 07
	North Mountain	NM	203,209	1 52	215,700	1 27	—0 25
	Central Mountain	CM	41,645	32	43,900	.27	—0 05
	Sacramento Valley	SV	479,744	3 63	630,700	3 72	+0 09
	Central Coast	CC	553,366	4 18	789,000	4 63	+0 45
	San Joaquin Valley	SJ	1,135,581	8 59	1,283,400	7 56	—1 03
	Desert	D	514,663	3 89	694,400	4 09	+0 20
	South Central Coast	SC	212,867	1 61	265,400	1 56	—0 05
	Total rural		3,420,737	25 85	4,291,400	25.28	*—0 57
	Total metropolitan	-M	7,165,486	54.15	9,308,600	54 75	*+0 60
	Assembly average		132,328		170,000		
	STATE TOTAL		10,586,223		13,600,000	*80 00	

[b] Assembly entitlement.

* Total over 80 due to rounding figures.

CHART "B"

ASSEMBLY ENTITLEMENT OF CALIFORNIA'S PRESENT ASSEMBLY DISTRICTS IN 1950 AND PROJECTED ENTITLEMENT IN 1960

A. D.[a]	County	Code	Population April 1, 1950	Assembly entitle.[b] (1950)	A. D. share[c] (1950)	Population April 1, 1960	Assembly entitle[b] (1960)	10-year change in entitle.
1	Del Norte	N-NC	8,078	0 06	1/8	19,200	0.10	+0.04
	Humboldt	N-NC	69,241	0 52	1/8	121,800	0 63	+0.11
	Mendocino	N-NC	40,854	0.31	1/8	63,800	0.33	+0.02
	Total		118,173	0 89	1	204,800	1.05	+0.16
2	Lassen	N-NM	18,474	0.14	1/7	16,900	0 09	—0.05
	Modoc	N-NM	9,678	0 07	1/7	9,500	0.05	—0.02
	Plumas	N-NM	13,519	0.10	1/7	11,800	0 06	—0.04
	Shasta	N-NM	36,413	0.27	1/7	49,000	0 25	—0 02
	Sierra	N-NM	2,410	0 02	1/7	2,200	0 01	—0 01
	Siskiyou	N-NM	30,733	0 23	1/7	33,200	0.17	—0 06
	Trinity	N-NM	5,087	0 04	1/7	6,700	0 03	—0.01
	Total		116,314	0.87	1	129,400	0 66	—0.21
3	Colusa	N-SV	11,651	0 09	1/5	11,400	0 06	—0.03
	Glenn	N-SV	15,448	0.12	1/5	16,800	0.09	—0 03
	Lake	N-NC	11,481	0 09	1/5	11,000	0.06	—0.03
	Tehama	N-SV	19,276	0 15	1/5	22,000	0.11	—0.04
	Yolo	N-SV	40,640	0 30	1/5	59,300	0.30	----
	Total		98,496	0 75	1	120,500	0 62	—0.13
4	Butte	N-SV	64,930	0 49	1/3	76,400	0.39	—0 10
	Sutter	N-SV	26,239	0 20	1/6	29,300	0.15	—0.05
	Yuba	N-SV	24,120	0.18	1/3	29,500	0 15	—0.03
	Total		115,589	0 87	1	135,200	0 69	—0 18
5	Napa	C-NC	46,603	0.35	1/2	64,600	0 33	—0.02
	Solano	C-M	104,833	0.79	1/2	123,900	0 64	—0.15
	Total		151,436	1.14	1	188,500	0 97	—0 17

6	Alpine	C-CM	241	d	1/10	300	d	----
	Amador	N-NM	9,151	0.07	1/10	9,200	0.05	—0 02
	Calaveras	C-CM	9,902	0.07	1/10	9,600	0 05	—0 02
	El Dorado	N-NM	16,207	0 12	1/10	17,400	0 09	—0 03
	Inyo	C-CM	11,658	0 09	1/10	13,000	0.07	—0 02
	Mariposa	C-CM	5,145	0 04	1/10	4,200	0.02	—0.02
	Mono	C-CM	2,115	0 02	1/10	2,200	0 01	—0.01
	Nevada	N-NM	19,888	0 15	1/10	18,200	0 09	—0 06
	Placer	N-NM	41,649	0.31	1/10	49,600	0.25	—0 06
	Tuolumne	C-CM	12,584	0 10	1/10	17,200	0.09	—0 01
	Total		128,510	0 97	1	140,900	0.72	—0.25
7	Marin	C-M	85,619	0 65	½	146,800	0.75	+0 10
	Sonoma	C-NC	103,105	0.78	½	154,700	0.79	+0 01
	Total		189,024	1.43	1	301,500	1 55	+0.12
8 & 9	Sacramento	N-SV	277,140	2.10	2	484,800	2.49	+0 39
10 & 11	Contra Costa	C-M	298,984	2 26	2	390,00	2 00	—0.26
12	San Joaquin	C-SJ	200,750	1 52	1	253,400	1.30	—0.22
13 - 18	Alameda	C-M	740,315	5 59	6	964,300	4.95	—0.64
19 - 24	San Francisco	C-M	775,357	5 86	6	822,800	4 23	—1.63
25 & 26	San Mateo	C-M	235,659	1 78	2	445,000	2 29	+0.51
27	San Benito	C-CC	14,370	0 11	½	16,200	0 08	—0 03
	Santa Cruz	C-CC	66,534	0 50	½	69,600	0 36	—0 14
	Total		80,904	0 61	1	85,800	0 44	—0 17
28 & 29	Santa Clara	C-CC	290,547	2.20	2	588,700	3 02	+0 82
30	Stanislaus	C-SJ	127,231	0 96	1	157,100	0.81	—0.15
31	Madera	C-SJ	36,964	0 28	½	38,800	0 20	—0 08
	Merced	C-SJ	69,780	0 53	½	91,200	0 47	—0.06
	Total		106,744	0 81	1	130,000	0 67	—0.14

CHART "B"—Continued

ASSEMBLY ENTITLEMENT OF CALIFORNIA'S PRESENT ASSEMBLY DISTRICTS IN 1950 AND PROJECTED ENTITLEMENT IN 1960

A. D.[a]	County	Code	Population April 1, 1950	Assembly entitle.[b] (1950)	A. D. share[c] (1950)	Population April 1, 1960	Assembly entitle.[b] (1960)	10-year change in entitle.
32 & 33	Fresno	C-SJ	276,515	2.09	2	359,200	1.85	—0.24
34	Monterey	C-CC	130,498	0.98	1	200,300	1.03	+0.05
35	Kings	C-SJ	46,768	0.35	½	47,200	0.24	—0.11
	Tulare	C-SJ	149,264	1.13	½	146,500	0.75	—0 38
	Total		196,032	1.48	1	193,700	1.00	—0.48
36	San Luis Obispo	S-CC	51,417	0.39	½	63,500	0.33	—0.06
	Santa Barbara	S-SC	98,220	0 74	½	121,200	0.62	—0.12
	Total		149,637	1.13	1	184,700	0.95	—0.18
37	Ventura	S-SC	114,647	0.87	1	179,100	0.92	+0.05
38 & 39	Kern	C-SJ	228,309	1.73	2	290,600	1.49	—0.24
40 - 70	Los Angeles	S-M	4,151,687	31 38	31	6,195,400	31.83	+0.45
71	Riverside	S-D	170,046	1.29	1	262,000	1.35	+0.06
72 & 73	San Bernardino	S-D	281,642	2.13	2	480,000	2 47	+0.34
74 & 75	Orange	S-M	216,224	1.63	2	588,900	3.03	+1.40
76	Imperial	S-D	62,975	0.47	1	73,300	0.38	—0.09
77 - 80	San Diego	S-M	556,808	4 21	4	1,020,100	5.24	+1.03

Summary	North	N	812,562	6 14	6.40	1,169,100	6 01	—0.13
	Central	C	4,069,950	30 76	30 60	5,417,400	27.84	—2 92
	South	S	5,703,711	43.10	43.00	8,983,500	46 16	+3 06
Rural	North Coast	NC	279,662	2.11	2.20	435,100	2 24	+0 13
	North Mountain	NM	203,209	1.52	1.40	223,800	1 15	—0 37
	Central Mountain	CM	41,645	0 32	.60	46,500	0.24	—0.08
	Sacramento Valley	SV	479,744	3.63	3 80	729,500	3 75	+0.12
	Central Coast	CC	553,366	4.18	4.50	938,300	4.82	+0 64
	San Joaquin Valley	SJ	1,135,581	8.59	8 00	1,384,000	7 11	—1.48
	Desert	D	514,663	3 89	4.00	815,300	4 19	+0.30
	South Central Coast	SC	212,867	1 61	1.50	300,300	1 54	—0 07
	Total		3,420,737	25 85	26.00	1,872,800	25.04	—0 81
Metropolitan		M	7,165,486	54.15	54 00	10,697,200	51 96	+0 81
	State total		10,586,223	80 00	80	15,570,000	80 00	----

[a] Assembly district.
[b] Assembly entitlement
[c] Assembly district share, or number of Assemblymen
[d] Less than 0 005.

NOTE 1950 population as reported in 1950 Census of Population; 1960 projections prepared by State Department of Finance, Budget Division

Average population per assembly district
1950 ---------- 132,328
1960 ---------- 194,600

CHART "C"

CONGRESSIONAL ENTITLEMENT OF CALIFORNIA'S PRESENT CONGRESSIONAL DISTRICTS IN 1950, AND PROJECTED ENTITLEMENT IN 1960, ASSUMING 37 CONGRESSMEN

C.D. [a]	County	Code	Population April 1, 1950	Cong. entitle. [b] (1950)	C D share [c] (1950)	Population April 1, 1960	Cong entitle. [b] (1960)	10-year entitle. change
1	Del Norte	N-NC	8,078	0 02	1/7	19,200	0.05	+0 03
	Humboldt	N-NC	69,241	0 20	1/7	121,800	0.29	+0 09
	Lake	N-NC	11,481	0.03	1/7	11,000	0 03	----
	Marin	C-M	85,619	0.24	1/7	146,800	0 35	+0 11
	Mendocino	N-NC	40,854	0.12	1/7	63,800	0 15	+0 03
	Napa	C-NC	46,603	0 13	1/7	64,600	0.15	+0 02
	Sonoma	C-NC	103,405	0.29	1/7	154,700	0 37	+0 08
	Total	----	365,281	1 04	1	581,900	1 38	+0 34
2	Alpine	C-CM	241	[d]	1/19	300	[d]	----
	Amador	N-NM	9,151	0 03	1/19	9,200	0.02	—0 01
	Butte	N-SV	64,930	0.18	1/19	76,400	0.18	----
	Calaveras	C-CM	9,902	0.03	1/19	9,600	0 02	—0.01
	El Dorado	N-NM	16,207	0 05	1/19	17,100	0 04	—0.01
	Inyo	C-CM	11,658	0 03	1/19	13,000	0.03	----
	Lassen	N-NM	18,474	0 05	1/19	16,900	0 04	—0.01
	Mariposa	C-CM	5,145	0 01	1/19	4,200	0 01	----
	Modoc	N-NM	9,678	0.03	1/19	9,500	0 02	—0 01
	Mono	C-CM	2,115	0 01	1/19	2,200	0 01	----
	Nevada	N-NM	19,888	0 06	1/19	18,200	0 04	—0 02
	Placer	N-NM	41,649	0 12	1/19	49,600	0.12	----
	Plumas	N-NM	13,519	0.04	1/19	11,800	0.03	—0.01
	Shasta	N-NM	36,413	0 10	1/19	49,000	0.12	+0 02
	Sierra	N-NM	2,410	0 01	1/19	2,200	0 01	----
	Siskiyou	N-NM	30,733	0 09	1/19	33,200	0.08	—0.01
	Tehama	N-SV	19,276	0 05	1/19	22,000	0 05	----
	Trinity	N-NM	5,087	0 01	1/19	6,800	0 02	+0.02
	Tuolumne	C-CM	12,584	0 04	1/19	17,200	0.04	----
	Total	----	329,060	0 93	1	368,700	0 88	—0.05

3	Colusa	N-SV	11,651	0 03	1/6	11,400	0 03	----
	Glenn	N-SV	15,448	0 04	1/6	16,800	0 04	----
	Sacramento	N-SV	277,140	0 79	1/6	484,800	1.15	+0.36
	Sutter	N-SV	26,239	0 07	1/6	29,300	0.07	----
	Yolo	N-SV	40,640	0 12	1/6	59,300	0.14	+0.02
	Yuba	N-SV	24,420	0.07	1/6	29,500	0 07	----
	Total	----	395,538	1.12	1	631,100	1 50	+0.38
4 & 5	San Francisco	C-M	775,357	2.20	2	822,800	1.96	—0 24
6	Contra Costa	C-M	298,984	0 85	2/3	390,000	0.93	+0 08
	Solano	C-M	104,833	0 30	⅓	123,900	0.29	—0 01
	Total	----	403,817	1.14	1	513,900	1.22	+0 08
7 & 8	Alameda	C-M	740,315	2 10	2	964,300	2 29	+0 19
9	San Mateo	C-M	235,659	0.67	1	445,000	1 06	+0.39
10	San Benito	C-CC	14,370	0.01	½	16,200	0 04	----
	Santa Clara	C-CC	290,517	0.82	½	588,700	1 40	+0 58
	Santa Cruz	C-CC	66,531	0.19	½	69,600	0 17	—0 02
	Total	----	371,451	1 05	1	674,500	1.60	+0 55
11	San Joaquin	C-SJ	200,750	0 57	½	253,400	0.60	+0 03
	Stanislaus	C-SJ	127,231	0 36	½	157,100	0 37	+0.01
	Total	----	327,981	0 93	1	410,500	0 98	+0.05
12	Fresno	C-SJ	276,515	0 78	⅓	359,200	0 85	+0 07
	Madera	C-SJ	36,964	0 10	⅓	38,800	0 09	—0 01
	Merced	C-SJ	69,780	0 20	⅓	91,200	0.22	+0 02
	Total	----	383,259	1 09	1	489,200	1.16	+0.07
13	Monterey	C-CC	130,498	0 37	¼	200,300	0 48	+0 11
	San Luis Obispo	S-CC	51,417	0 15	¼	63,500	0 15	----
	Santa Barbara	S-SC	98,220	0 28	¼	121,200	0 29	+0 01
	Ventura	S-SC	114,647	0 32	¼	179,100	0 43	+0.11
	Total	----	394,782	1.12	1	564,100	1 34	+0.22

CHART "C"—Continued

CONGRESSIONAL ENTITLEMENT OF CALIFORNIA'S PRESENT CONGRESSIONAL DISTRICTS IN 1950, AND PROJECTED ENTITLEMENT IN 1960, ASSUMING 37 CONGRESSMEN

C D [a]	County	Code	Population April 1, 1950	Cong entitle. [b] (1950)	C D. share [c] (1950)	Population April 1, 1960	Cong entitle. [b] (1960)	10-year entitle. change
14	Kern	C-SJ	228,309	0 65	⅔	290,600	0 69	+0 04
	Kings	C-SJ	46,768	0 13	⅓	47,200	0.11	—0 02
	Tulare	C-SJ	149,264	0.42	⅓	146,500	0.35	—0 07
	Total		424,341	1 20	1	484,300	1 15	—0 05
15-26	Los Angeles	S-M	4,151,687	11.77	12	6,195,400	14 72	+2.95
27	San Bernardino	S-D	281,642	0 80	1	480,000	1 14	+0 34
28 & 30	Orange	S-M	216,224	0 61	2/3	588,900	1.40	+0.79
	San Diego	S-M	556,808	1 58	1⅓	1,020,100	2.42	+0.84
	Total		773,032	2.19	2	1,609,000	3 82	+1 63
29	Imperial	S-D	62,975	0 18	½	73,000	0 17	—0.01
	Riverside	S-D	170,046	0.48	½	262,000	0 62	+0 14
	Total		233,021	0 66	1	335,000	0 80	+0 14
Summary								
	North	N	812,562	2 30	2 26	1,169,100	2.78	+0 18
	Central	C	4,069,950	11 53	11.00	5,417,400	12 87	+1 34
	South	S	5,703,711	16 16	16 75	8,983,500	21 35	+5.19
Rural								
	North Coast	NC	279,662	0 79	.86	435,100	1 03	+0 24
	North Mountain	NM	203,209	0.58	.58	223,800	0.53	—0 05
	Cen. Mountain	CM	41,645	0.12	.32	46,500	0.11	—0 01
	Sacramento Valley	SV	479,744	1.36	1.11	729,500	1.73	+0 37

	Central Coast	CC	553,366	1.57	1.50	938,300	2.23	+0 66
	San Joaquin Valley	SJ	1,135,581	3.22	3.00	1,384,000	3.29	+0 07
	Desert	D	514,663	1.46	2.00	815,300	1 94	+0.48
	South Central Coast	SC	212,867	0.60	.50	300,300	0 71	+0.11
	Rural total		3,420,737	9.69	9.86	4,872,800	11.58	+1.89
Metropolitan		M	7,165,486	20.31	20.14	10,697,200	25.42	+5.11
	State total		10,586,223	30	30	15,570,000	37	+7

[a] Congressional district.
[b] Congressional entitlement.
[c] Congressional district share, or number of Congressmen.
[d] Less than 0.005.

NOTE 1950 population as reported in 1950 Census of Population; 1960 projections prepared by State Department of Finance, Budget Division.

Average population per congressional district:

1950 (30 districts)	352,874
1960 (assuming 37 districts)	420,800

MEETINGS

The organizational meeting of the Assembly Interim Committee on Elections and Reapportionment was purposely delayed until October 14, 1955, in order to give Mr. Purcell an opportunity to prepare the chart on the different types of elections. This meeting which was held in Los Angeles was devoted, aside from organizational matters, to a study of the chart developed by Mr. Purcell. The minutes of this meeting can be found on pages 24-27.

The second meeting, also in Los Angeles, was held on February 8, 1956, and was called to coincide with the county clerks' convention. This meeting was devoted to receiving recommendations submitted to the committee by those in attendance at the convention. Minutes of this meetings are to be found on pages 27-30.

On June 14, 1956, the committee accepted the invitation extended by the Associate Director of the League of California Cities to attend the city clerks' institute held at the Saint Claire Hotel in San Jose. This meeting was devoted to a discussion of problems relating to municipal elections.

Owing to the fact that the state conventions of the Republican and Democratic parties were held upon different week ends, there were two meetings called by this committee in order to meet with the leadership of both political parties to receive from them their suggestions as to changes in the Elections Code. The first preceded the Republican State Convention and was held in Room 3184, State Capitol, Sacramento, August 3, 1956. Minutes for this meeting will be found on pages 30-34. The second, preceding the Democratic State Convention, was held at the same place on August 31, 1956. Presiding at this meeting was the Honorable Carlos Bee, Vice Chairman and ranking Democrat of the committee. Minutes of this meeting will be found on pages 35-40.

The final meeting of this committee was held in Los Angeles on Monday, December 3, 1956, and as has been the custom in recent years, was devoted to a presentation by the county clerks and others involved in the conduct of elections of their ideas for changes in the Elections Code to be presented to the 1957 Session of the Legislature. Minutes of this meeting with the sections of the codes upon which changes were suggested can be found on pages 40-46.

MINUTES—OCTOBER 14, 1955

The organization meeting of the 1955-1956 Assembly Interim Committee on Elections and Reapportionment was held in Los Angeles Friday, October 14, 1955, convening at 1.30 p.m. in Room 115, State Building. In calling this meeting, Chairman Charles J. Conrad had notices mailed to all Assemblymen, Senators, individuals who had requested notices of meetings of this committee, legislative advocates, newspaper editors, and others whose names had been put on the list to receive meeting notices in response to telephone requests for such names

made by the committee secretary to the various party headquarters, business and labor organizations, League of Women Voters, etc.

Members of the committee present were Messrs. Frank G. Bonelli, Montivel A. Burke, Richard J. Dolwig, Charles J. Conrad, Chairman.

Before the meeting was called to order, Mrs. W. E. (Betty) Tempel, 2755 Waverly Drive, Los Angeles 30, who was substituting for Mrs. Fred Landecker, State Affairs Chairman, League of Women Voters, discussed with Chairman Conrad various election problems and more specifically the question of changing the date of the primary election as was attempted by Senate Bill No. 25 which was defeated at the 1955 Regular Session of the Legislature.

The first order of business was the motion made by Mr. Burke, seconded by Mr. Bonelli and unanimously carried, that Mrs. Frankie M. Gross be employed to serve as Secretary to the Assembly Interim Committee on Elections and Reapportionment.

Chairman Conrad then presented a voluminous tabulation of data on the many elections scattered throughout the codes, giving due credit and high praise for the accumulation of this material to the staff of the Legislative Counsel, and especially Mr. Edward K. Purcell. It was prepared on Mr. Conrad's request to the Office of the Legislative Counsel in conformity with the direction of the Assembly Rules Committee that interim committees utilize the facilities of the Legislative Counsel whenever possible instead of employing outside experts for surveys, reports, data, etc. Mr Purcell was unable to be present at this meeting because of taking a promotional examination in Sacramento. Mr. Conrad further informed the committee that the original chart was turned over to Mr. Benjamin S. Hite, Registrar of Voters of Los Angeles County for presentation to the county clerks at their recent meeting in Sacramento, and that through the courtesy of Mr. Duane W. Wheeler who attended the county clerks' convention, the chart had been reproduced by Duane W. Wheeler & Company at no expense to the State and copies are available to all members of the committee, county clerks and organizations interested in studying the data with the view of determining how far this committee should go toward standardizing such elections.

Mr. Conrad stated that on a recent trip north he had seen Mr. Carlos Bee, vice chairman of this committee, and suggested that the chairmanship of the committee be turned over to Mr. Bee for a meeting the week end of the Democratic State Convention with full authority to conduct the meeting in any way he sees fit, inviting such of his party leaders to participate in the meeting according to the ideas of the Democratic membership of the committee. It was understood that at such meeting, the Republican members of the committee would be privileged to be present and that at a similar meeting at the time of the Republican State Convention, the Democratic committee members would be privileged to be present.

Mr. Conrad further stated that it is his intention to call the traditional meeting of this committee after the 1956 general election to receive ideas of the county clerks, party officials and others who might have suggestions for changes in election laws and procedures.

At this point, the chairman invited Mr. Hite to give his report on just what the county clerks have in mind with respect to possible changes in election laws. Mr. Hite said they all were very much surprised at the data contained in the chart prepared by the Legislative Counsel and it was agreed by all that Mr. Purcell was due a vote of thanks and commendation for the excellent form in which this fine piece of work was drawn.

He said the county clerks were just as surprised to learn that there were so many different types of elections throughout the codes as he was. He commented on the meeting called by Secretary of State Frank Jordan, the first day of which was devoted to the discussion of new election laws. Mr. Hite said they did not have time at the meeting to digest the information contained in the the chart but inasmuch as Mr. Wheeler had so kindly had it reproduced, everyone interested could get a copy for study of the surprising information and that he feels a step has been taken in the right direction toward clearing up many irregularities. He said that at a quick glance, it would seem that the greatest need for uniformity lies in the laws pertaining to school district elections.

After a discussion of when the next meeting should be held to hear the views of the county clerks after they had time to study and digest the information given in the chart, it was Mr. Conrad's suggestion that the meeting be held in early spring of 1956 * * *. Mr. Hite said he thought that was a good idea and it was unanimously agreed that this would give everyone ample time to arrive at concrete suggestions for whatever changes should be made. Mr. Hite pointed out that there would be a convention of the County Clerks' Association February 9th-10th, and suggested that would be a good time for the committee to hold another meeting.

Mr. Dolwig expressed the opinion that inasmuch as the entire staff of the Legislative Counsel is available for this kind of work during the interim, they should prepare an analysis of the chart and that if the county clerks, in their study of the chart, should run into any questions, the chairman should help obtain clearance and assistance by the Legislative Counsel. He asked, as a matter of information, what Mr. Hite was planning to do so far as the county clerks are concerened, adding that he certainly felt we should get into uniformity on such things as sending out notices, time, method of giving, etc.

Mr. Hite replied that there was a question of whether the law should be deleted from the various codes and make the Elections Code control all elections, or if the various codes should be amended to put them into conformity with each other. Mr. Dolwig replied that the committee, in consultation with the Legislative Counsel could easily determine if we should amend all elections provisions or have the Elections Code control the method of calling elections, ballots, method of giving notice, etc. After a discussion among the members and Mr. Hite, it was agreed that the following subjects could be standardized: Method of giving notice; ballots; qualification of electors; method of voting; canvass of votes; and provision for consolidation.

Mr. Dolwig suggested that the Chairman of the Committee on Education meet with the committee to work together on this and Mr. Conrad agreed that this was a good idea.

Mr. Harold T. Jones, Elections Supervisor, City of Los Angeles, was invited to make any comments he might care to on this subject as it relates to school elections. He replied that he thought the committee was doing a wonderful thing in attempting to bring about some uniformity from the chaos of the election laws. Mr. Dolwig asked if he had any suggestions to offer other than those made by Mr. Hite and the committee. Mr. Jones replied that about all he could add was that it was surprising to find so many differences and that he approved the suggestion that the Legislative Counsel work with the committee and also it would be fine if we could get the cooperation of the Education Committee as had been mentioned

Mr. Conrad said he would talk with Mr. Purcell and Mr. Donald Doyle and have Mr. Doyle appoint a subcommittee on education to work with the committee and at the time of the county clerks' convention, if not before, the committee would reconvene for further work along the lines discussed at this meeting.

Mr. Dolwig asked if the county clerks' group would like to have the benefit of the analysis from the Legislative Counsel before they go into convention to which Mr. Hite replied that it would help very much to have this information before the convention. Mr. Conrad inquired if they would like to have the three of them (Conrad, Dolwig and Hite) get together sometime in December on this subject. Mr. Dolwig replied that he felt the chairman was doing a good job of handling it and suggested that he and Mr. Hite work together on this, but he did want to be certain that his county clerk received a copy of the chart. Mr. Hite replied that would take care of all county clerks, adding that Mr. Bruni had been a great help and he certainly will ge a copy, as will all workers among the county clerks.

The meeting adjourned at 2 40 p.m.

MINUTES—FEBRUARY 8, 1956

A meeting of the 1955-1956 Assembly Interim Committee on Elections and Reapportionment was held on February 8, 1956, in Room 709, State Building, Los Angeles, convening at 10 a m., to which invitations were mailed to all assemblymen, senators, members of the various political organizations, business and labor groups and the press, and legislative advocates.

Committee members present were Messrs. Frank G. Bonelli, Montivel A. Burke, Augustus F. Hawkins, Lester A. McMillan, Carley V. Porter, Earl W. Stanley, Carlos Bee, vice chairman; **Charles J. Conrad,** chairman.

In calling the meeting to order the chairman explained that this meeting was called to coincide with the county clerks' convention being held in Los Angeles so as to give as many county clerks as possible an opportunity to participate in the meeting because it was called to determine how far the committee should go toward streamlining and standardizing the Elections Code—to try to arrive at some conclusion as to what can be done—whether to write an entirely new Elections Code or amend the various sections and write some new ones. He stated that it was the intention of this committee to again have proposed bills

pertaining to election matters preprinted prior to the 1957 Session of the Legislature and copies sent to interested people for their information and comments.

On hand to render legal advice on matters arising before the committee meeting was Mr. Edward K. Purcell from the Office of the Legislative Counsel.

Also seated at the table were Senator Charles Brown of the Twenty-eighth Senatorial District, Shoshone; Assemblyman Vernon Kilpatrick of the Fifty-fifth District; Mr. Laurence D. Kearney, Administrative Adviser, Department of Education; and Mr. Frank M. Wright, Associate Superintendent of Public Instruction-Chief, Division of Public School Administration.

Mr. Conrad read a letter from Mr. Walter V. Coombs, Registrar of Voters, San Bernardino County, giving his analysis for standardizing election laws and procedures.

Mr. Benjamin S. Hite, Registrar of Voters of Los Angeles County, was invited to present any ideas he might have. After expressing thanks to Mr. Conrad for his consideration extended the county clerks by calling the meeting at the time of their convention, Mr. Hite stated he felt that school elections present a terrific problem so far as standardization is concerned. His suggestions for standardization were:

1. Method of giving notices of elections
2. Some uniformity in instructions on ballots
3. Qualification of electors
4. Method of voting—all ballots should be voted in the same manner, i.e., by stamping with rubber stamp.

These were the items which he felt should have first consideration for standardizing—others could come later.

Vice Chairman Bee's inquiry as to the advisability of having all elections fall on the same day of the week, such as, say on a Tuesday, met with casual comments pro and con, with no specific action or opinion.

Mr. Harold Jones, Deputy City Clerk of the City of Los Angeles in charge of elections, commented on the fine work and importance of the interim elections work. He also paid high tribute to the work done by Mr. Hite as Registrar of Voters.

Assemblyman Hawkins brought up the question as inferred by Mr. Jones that some safeguard might be sacrificed if changes are made in the election laws. Mr. Jones said that his experience has been that this could be possible. Mr. Hawkins pointed out as Chairman Conrad had said, that the preprinted bills would be submitted to all interested persons and they would have an opportunity to catch any such possibilities—Mr. Jones said he felt that the preprinted bills should be submitted to such people as Mr. Hite and Mr. Duane W. Wheeler.

Mr Conrad commented that possibly the safeguard of having ballots printed on official ballot paper would be worth the added cost.

Mr. Robert L. Hamm, Chief Election Clerk, Ventura County, commented on his views as expressed in his letter of January 18, 1956, to Mr. Benjamin S Hite, with specific reference to publication of notice of elections and date of elections.

Mr. G. A. Pequegnat, County Clerk of Riverside County, commented on the number of notices sent out on elections. He feels that only one notice is necessary.

Mr. Eber Tarleton, Registrar of Voters, Santa Clara County, and Mr. Russell J. Patterson, Supervisor, Election-Registration Department, San Mateo County, said they were in agreement with the suggestions given by Mr. Walter V. Coombs in his letter to Mr. Hite.

An informal discussion on various election procedures—mailing of notices, marking of ballots, instructions to voters, etc—by County Clerks Walter Paasch of Contra Costa County, Jack G. Blue of Alameda County and G. A. Pequegnat of Riverside County brought forth no definite recommendation.

At this point, Chairman Conrad stated that since 67 of the 277 kinds of elections are to be found in the Education Code, he had specifically invited education leaders to participate in this meeting and introduced Mr. Frank M. Wright, Associate Superintendent of Public Instruction-Chief, Division of Public School Administration. Mr. Wright commented: "In the early days they did not have complicated elections—school districts do not conform to precinct boundaries—keep the school districts out of being consolidated with other elections —before any changes are made, be very certain things are not made worse—a lot can be done toward bringing together all the different elections but it should be done with extreme caution Discussion that followed included comments by Mr. J. L. Brown, County Clerk of Fresno County; Mr. George S. Jones, County Clerk of Marin County; Mr. Laurence D. Kearney, Administrative Adviser, Department of Education; and a representative of Schwabacher-Frey Company.

Recess at 11.40 a m. until 2 p m

Reconvened at 2 p.m.

The views and recommendations on the digest of the various types of elections as prepared by the Legislative Counsel's Office made by Mr. Nathan D. Rowley of Orrick, Dahlquist, Herrington & Sutcliffe, Attorneys-at-Law, San Francisco, were presented to the committee in a letter addressed to Mr. V. F. Dunne, Principal Election Clerk, Stockton, California, dated January 25, 1956

Mr. Richard W. Dickenson, County Counsel, San Joaquin County, was the next witness. He said he thought the idea of submitting any proposed changes to the various officers was a good one and that simply to get uniformity, we should not sacrifice safeguards which are so necessary for good government.

Mr. George S. Jones, County Clerk, Marin County, said he would go along with the suggestions made by the other county clerks and registrars in order to simplify the procedures, but had this to add as his own ideas:

1. Use of Uniform Official Ballot Paper. *Very essential.*
2. Publication of Notices. Notices should set forth the purpose of the election and the names of the candidates, but he can see no good reason for publication of the names of the election officials because of the cost involved.

3. Consolidation of Elections. Personally recommends consolidation wherever possible and practical.
4. Matter of Precinct Boundaries. Does not have this problem.
5. Board of Supervisors. Supervisors in most counties have pushed this responsibility over to the election officials.

Mr. Ben Hite had this to say on the subject of preprinting of bills: Various county clerks to send in their suggestions to Mr. Conrad and sometime in the fall, Mr. Conrad and he get together with Mr. Purcell and work out legislation for preprints and possibly by the 1957 Session something can be done on this problem of consolidation of elections. Between now and fall, county clerks will be going through two major elections and have an opportunity to detect irregularities and present them if we have a fall meeting. While preprints cannot be made for that meeting, suggested changes could be run off on mimeograph and distributed. Mr. Hite said he would run them off (at no cost to the committee). So far as changes in sections of the Education Code are concerned, they should have the cooperation of the various school and teacher groups to avoid conflict at later points of progress.

In closing, brief comments were made by Mr. George S. Jones, Marin County; Mr. V. P. Dunne, Principal Election Clerk, Stockton; Mr. James W. Briggs, Los Angeles County Counsel; Mr. Fred J. Moore, Jr., County Clerk, Humboldt County; and Mr. Harry M. Free, County Clerk of Imperial County.

Adjournment at 3.55 p.m.

MINUTES—AUGUST 3, 1956

A meeting of the Assembly Interim Committee on Elections and Reapportionment was held in Room 3184 State Capitol, Sacramento, Friday, August 3, 1956, convening at 10.35 a.m. Notices of this meeting were sent to Republican Senators, Assemblymen, U. S. Senators, Congressmen, State Officers, Board of Equalization members as well as nominees; officers of the Republican State and County Central Committee; top officials of Republican organizations; leaders of Pro-America and League of Women Voters; Legislative Advocates; business and labor organizations and members of the press. Letters of invitation were written to all members of the Senate Elections Committee.

Committee members attending this meeting were Messrs. Frank G. Bonelli, Montivel A. Burke, Richard J. Dolwig, Augustus F. Hawkins, Earl Stanley, Casper W. Weinberger, Carlos Bee, Vice Chairman; Charles J. Conrad, Chairman.

Also sitting with the committee was Mr. Edward K. Purcell of the Office of Legislative Counsel to render legal aid when called upon.

Chairman Conrad opened the meeting by explaining that it was called to coincide with meetings of the Republican State Convention and Republican State Central Committee to allow members of the Republican party and leaders an opportunity to offer suggestions for changes in the Elections Code, particularly with reference to the organization and operation of the political parties in California, elaborating on his memorandum on suggested elections procedures which had been mailed out by him after the primary election in June, 1956.

Prior to the meeting, Mrs. Evelyn Clar introduced herself to the committee secretary as the Sacramento representative of League of Women Voters (state office address—Box 126, San Anselmo, California) and requested that the records show her present at this meeting as an observer in behalf of her organization.

Chairman Conrad introduced Senator Nelson Dilworth of Hemet, inviting him to join the committee.

The chairman then read a communcation dated August 1, 1956, which he had received from Mr. George E. Stanley, Chairman of the Riverside Republican Central Committee, 3900 Market Street, Riverside, California, offering suggestions regarding voting of proxies at state central committee meetings in the absence of a quorum.

At this point, Chairman Conrad introduced Mr. Sam Jonas, 5648 Verdun Avenue, Los Angeles, candidate for Assemblyman, Sixty-third District, and Assemblyman Domer F. Power, Rt. No. 1, Box 436, Lindsay (home address: Avenue 208, Road 236), Thirty-fifth District.

Mr. Jonas requested to be heard to present his recommendation for a change in the election law to avoid such a situation as that which has arisen in the Sixty-third Assembly District. He stressed the necessity of having written into the Elections Code a law covering a situation such as has come up in Los Angeles when Mr. Don Allen refused to qualify after winning the special election to fill a vacancy in the Sixty-third District.

Senator Dilworth commented on the subject of special elections to the effect that it should not be mandatory that a special election be called if the local district does not desire it * * * that there is no judicial ruling on the calling of a special election.

Mr. Stanley asked if a person could take office and waive his salary in a situation such as Mr. Allen found himself after winning the special election. Mr. Purcell replied that it was his opinion that this could not be done as this is a matter covered by the Constitution and would require legislative action to make that possible. Chairman Conrad stated that this question will be taken under consideration.

Mrs. Frances Larson, Vice Chairman of the Republican State Central Committee, 5417 Bradna Drive, Los Angeles, inquired of Senator Dilworth if it should be up to the Governor to call a special election and if he does, must the district accept the special election? Senator Dilworth replied that it should be up to the Governor to call special elections and Mrs. Larson stated that they did not want a special election in the Sixty-third District. Senator Dilworth said that he would make an investigation to determine whether or not a particular special election should be held, adding that if the law could be made to leave the power with the Governor upon recommendation of the local district, it would be acceptable to him.

Assemblyman Burke's comments included: "Qualification should be made by the man before he runs—make it mandatory that he qualify if elected." Mr. Purcell said that no penalty is prescribed unless it is possible to prove perjury in the statement of the candidate in this regard.

Mr. Jack Felthouse, 10213 Second Avenue, Inglewood, Los Angeles County, inquired if the matter could be handled by requiring that if

the person is a member of one body, he must resign before accepting office in any other organization.

Mr. Bee commented that this requirement would not be acceptable to either Senators or Assemblymen—it would never pass either the Senate or the Assembly.

Senator Dilworth remarked that there should be no public disfavor for a man holding one office to run for another.

Mr. Herbert Hanley, 210 Post Street, San Francisco, was the next witness. His comments were on the subject of proposed changes in Article IV, Section 1d of the Constitution and were an elaboration on his letter to Mr. Conrad dated July 26, 1956.

Mr. Conrad commented on the outcome of proposals for changes in the election procedures with regard to lessening the work of election boards, stating that Assemblyman Beaver presented a bill to the Elections Committee at the request of San Bernardino and Riverside, cutting the precinct board from five to four members, thereby saving $15, and adding $5 to this saving, the $20 to be used to bring in four extra people at 7 p.m. to do the tabulation of votes. He checked on the results of this procedure and found that San Bernardino did not utilize this provision, but may use it at the November election; one precinct in Riverside tried it, but seemed to have difficulty in getting the extra people for the 7 p.m. shift. Senator Dilworth said he had not looked into this, but would do so and see what he can find out about its possibilities.

Mr. Conrad conveyed the suggestion of Mr. Harry Chapman of the Office of the Registrar of Voters, Los Angeles, that counties say what they want in a tabulator giving their specifications, which can be passed along to the various inventors for guidance in development machines to meet those specifications.

Mr. Conrad then commented on matters that will be brought up before the meeting in the afternoon session and the meeting then recessed to convene at 2.15 p.m.

Meeting reconvened at 2.15 p.m.

The presence in the audience of Mr. James W. Silliman, former Speaker of the Assembly, was acknowledged.

Assemblyman Patrick D. McGee was the first witness in the afternoon session. Mr. McGee said he would like to request that this committee give serious consideration to sponsoring legislation which would eliminate from the Elections Code the law fixing mandatory dates and places for state central committee meetings and state conventions. It is his opinion that the parties themselves should be allowed to decide where and when they would like to meet, citing the current situation as an example wherein the Democratic Party must hold their state central committee meeting in Sacramento over Labor Day week end and during the California State Fair. He urged legislation that would allow each party to fix the time and place for its meetings every two years instead of having mandatory dates as now exist in the law—mandatory dates and places.

Mr. Stanley suggested that perhaps this could come out of the pending convention and Mr. McGee agreed that a trial might be by a resolution at the convention just coming up.

Mr. Stanley said that the party platform might be drawn prior to June * * * especially if the date of the primary election is moved back to August. It was pointed out that Mr. Hagerty of the Secretary of State's Office said the first or second week in August is the latest date they could handle a state-wide primary election.

Mr. McGee further commented that all candidates run on their personal platform in the primary * * * nominees run on the party platform adopted by the party in the general election.

Mr. Hanley had this to say: "Conventions will nominate the presidential candidate after the platform is decided upon. Candidates should stand by the platform"

At this point, Assemblyman Augustus F. Hawkins, committee member, Sixty-second District, was introduced and the presence in the audience of Assemblyman J. Ward Casey, senatorial candidate from the Imperial Valley, was acknowledged.

Assemblyman Frank Lanterman, Forty-eighth District asked for clarification of a matter arising in his district when a woman of his committee was refused to act as a register of voters on the grounds that she was a member of the state or county central committee. Chairman Conrad asked Mr. Purcell to give him an opinion on this question.

Mr. Edward H. Gibbons, 821 Green Avenue, Los Angeles 17, asked to yield to Mr. John Nielsen, 2610 South LaCienega Avenue, Los Angeles 34 Mr. Nielsen's question was regarding representation on the state central committee. When appointments of nominee delegates are made from outside the district by the chairman of the county central committee, the local district feels that it has not been given proper consideration He felt that the district itself should have the power to fill not only the position of nominee delegate but the three additional members of the state central committee represented by that nominee delegate.

Mr. Conrad cited Section 2797 which clearly gives the power to fill a vacancy to the chairman of the county central committee although he certainly agreed that the district involved should, as a general rule be given consideration as to the individual named. As to the members of the state central committee appointed by the nominee delegate, there is usually a gentleman's agreement that when an individual is appointed nominee delegate, the three additional appointees to the state central committee are chosen at the same time and he is honor-bound to appoint the individuals suggested to him.

Mrs. Irene M Alexander, member of the county central committee, Sixty-sixth Assembly District, also representing the state central committee, said she has done committee work for 25 years in her district and feels that the people who do the telephoning and leg work should be allowed to make the appointments—not the executive committees of the political parties. She feels the law should be made clear on what should be done * * * it should be changed to let the county committee members make the recommendations who should be on the state committee appointments.

Assemblyman Richard J Dolwig, state senatorial candidate and member of this committee was introduced as he made his appearance.

Mr. Rollins MacFayden, member of the Republican County Central Committee of Los Angeles, said he felt that each assembly district committee should be responsible for its own appointments.

Mr. Purcell remarked that a county as large as Los Angeles County might justify distinctive treatment.

Mr. Edward H. Gibbons testified and requested that he be permitted to file with the committee a statement of analysis on his recommendation that the district should have the right to select the people who represent it on the committee * * * neither congressional nor United States senatorial nominees are allowed to have a voice in the central committee meetings under the present law.

Mr. Stanley suggested that he have a tentative bill drawn that he can submit to his people and if approved, the bill can be introduced at the next session.

Mr. Conrad commented on a Legislative Counsel opinion that a congressional nominee cannot participate in county central committee meetings although Assembly and State Senate nominees are ex officio members, adding that this provision should be extended to include congressional nominees.

Assemblyman Caspar W. Weinberger, member of the committee, arrived and was introduced by the chairman.

Mr. Louis Francis, 120 Castillian Way, San Mateo, California, Assemblyman from the Twenty-fifth District, requested to be heard on a matter that he says has probably vexed every successful candidate of a special election—that of not being permitted to run in the general election as an incumbent. It should be spelled out in the Elections Code that in the event a candidate in a special election is elected at the same time of a primary election, his status in the general election would be as an incumbent, and the county clerk should be directed and instructed as to how to make up the ballot. Conflicting opinions on this question have been rendered by Legislative Counsel and the Attorney General.

Mr. Stanley suggested that he not use the name of "incumbent" but use "Member of the California State Legislature."

Mr. Weinberger inquired what is the basis of the Attorney General's opinion * * * Attorney General takes the position that the designation shall remain the same on both ballots.

Mr. Purcell stated that the Legislative Counsel's opinion is that he cannot change from one occupation to another.

Motion was offered by Mr. Weinberger that a resolution be passed at this meeting covering this question; motion was seconded by Mr. Burke and carried. The following resolution was passed by the committee: "That the committee adopt the interpretation of the Legislative Counsel under which the winner of a special election held at the same time as the primary election may use the designation 'incumbent' or similar designation, and the committee also states its intention of introducing a bill to clarify the Elections Code on this point at the 1957 Session of the Legislature."

There being no further business before the committee, the meeting adjourned at 4.45 p.m.

MINUTES—AUGUST 31, 1956

The Assembly Interim Committee on Elections and Reapportionment held a meeting in Room 3184 State Capitol, Sacramento, August 31, 1956, convening at 10.30 a.m., to give an opportunity to party nominees, officials and interested citizens who were in Sacramento for meetings of the Democratic State Convention and the Democratic State Central Committee to present their recommendations for changes in the Elections Code, particularly with reference to the organization and operation of the political parties in California. Notices of this meeting were mailed to all members of the committee; members of the Senate Elections Committee; Democratic Senators, Assemblymen, Congressmen, state officials as well as nominees; Democratic State and County Central Committee officers; top officials of Democratic organizations; leaders of Pro-America and League of Women Voters; legislative advocates; officials of business and labor organizations; and members of the press.

Committee members present were Messrs. Frank G. Bonelli, Augustus F. Hawkins, Lester A. McMillan, Carley V. Porter, Earl W. Stanley, Carlos Bee, acting chairman of this meeting; Charles J. Conrad, committee chairman.

The meeting was opened by Chairman Conrad who introduced the members present and also Mr. Edward K. Purcell representing the Office of the Legislative Counsel and outlined the work of the committee during the interim. His closing remarks before turning the meeting over to Vice Chairman Bee were on the following matters to which he requested members of the Democratic Party give serious consideration in the immediate future:

1. The question of changing the date of the primary election. Does the Democratic Party want to go back to the old system of having the primary in the early part of August? He reminded them that if this is done, an extra primary election in presidential election years, would have to be held at added cost to taxpayers.

2. The question of changing the law so that the present leadership would be carried over to January, 1959. Would the Democratic Party be strengthened by having a chairman working around the clock 22 months instead of under the present setup?

3. The question of dates for state conventions and state central committee meetings. He urged that they get together and make up their minds on this, reminding them that the undesirable dates of this year's meetings resulted from Democratic action to regulate and set these dates for this year.

Immediately prior to opening of the meeting, Mrs. Margaret Vanderlaan, 2213 22d Avenue, Sacramento, requested the secretary of the committee to have the records show her present as an observer in behalf of the League of Women Voters of California.

Acting Chairman Bee brought attention to the registration forms being handed to members of the audience by the sergeant-at-arms inviting anyone who would like to be heard at this meeting to so indicate on the form and he or she would be given the privilege to be heard.

Miss Elizabeth McFeeley, 1547 Wellington Street, Oakland 2, representing the Alameda County Citizens Voter Registration Committee,

1508 Second Street, Hayward, was introduced as the first witness. Stating that this committee was formed due to the alarming drop in voter registration, her testimony urged that Section 123 of the Elections Code be changed to substitute "shall" for "may."

The next witness, Mr. Jack Gibbons, 647 44th Street, Oakland 9, representing the Seventeenth Assembly District Precinct Organization, Democratic Headquarters, Ashby and Grove Streets, Berkeley, asked that the records show his group as being in full agreement with the recommendations made by Miss McFeeley.

Mr. Robert M. Erwin, Democratic nominee, State Senator, 37th District, residing at 4026 Brockton Avenue, Riverside, was next invited to come forward and be heard. After clearance by Acting Chairman Bee that his appearance before the committee was in order at this time, he presented his views, as follows:

1. Recommends abolition of cross-filing.

2. Candidates should be required to file a campaign statement and accept responsibility for the support and efforts made in their behalf during election campaign. Mr. Bee inquired of Mr. Purcell if there is no punitive measure that requires the filing of campaign statements to which Mr. Purcell replied that the law requires that a campaign statement be filed. At this point, Mr. Conrad reminded them that up to two years ago the campaign committee did not have to file campaign statements in the primary, but this was changed by legislation in the 1955 Session.

3. The law should require that party affiliation of every candidate for every elective office in the State of California be placed on the ballot * * * amend the law to provide that every person filing for elective office in the State designate his party affiliation. Mr. Stanley asked if he believed this should apply to the office of judgeship to which Mr. Erwin replied in the affirmative.

4 The subject of 18-year-olds voting seems to have become a political football—a lot of lip service with no action being taken. Political education of today should be backed up by allowing the 18-year-olds to vote or else stop talking about it.

On the subject of cross-filing, Acting Chairman Bee stated that while the Democrats have opposed cross-filing for a long time, at this last election those who benefited most by this provision were the Democrats, adding that perhaps in the face of this fact, some have withdrawn their objections, but Mr. Erwin replied that he still thinks cross-filing should be abolished.

Mr. G. K. Williams, 729 A Avenue, Coronado, Chairman, San Diego County Democratic Central Committee, 831 Sixth Avenue, San Diego, was the next witness. He testified briefly on the subject of attendance of county central committee members, saying that party responsibility requires that those who run for office on the county central committee should be made aware of their obligations and responsibility as such. This can be done only by putting teeth in the law permitting removal from committee of any member if he misses a certain specified number of meetings. Chairman Conrad informed him that there is a law providing for removal of a member due to absenteeism, but it is applicable only to the Democrats in Los Angeles County. Mr. Hawkins remarked

that when this provision was passed, it was rejected by the Democrats in San Francisco. Mr. Williams replied that he felt it should apply to all counties, without exception, to which Acting Chairman Bee voiced his wholehearted agreement.

Mr. R. J. Dick Nussell, 2267 Eucalyptus, Long Beach 6, the Democratic nominee from the Forty-fourth Assembly District, was the next witness. His testimony was in regard to change of law covering petitions in primary, recommending that every man and woman should be given time in which to correct errors and amend petitions circulated in his behalf. Without this privilege, the candidate has no control over his petition * * * he should be notified in writing, special delivery letter, and then given time to amend and correct errors found on his petition—5 to 10 days in which to do this. It was moved by Mr. Stanley, seconded by Mr. McMillan and carried that the Legislative Counsel prepare legislation supporting Mr. Nussell's recommendation in regard to petitions to be introduced at the next session of the Legislature.

Mr. John L. Warren, 1610 State Street, Santa Barbara, representing the Santa Barbara Democratic Central Committee, testified on the subject of right of County Central Committee to endorse a candidate in the primary. * * * Attorney General says the county central committee does not have this right, while the Legislative Counsel holds that it can be done. Mr. Warren asked that there be specific law covering this question. Mr. Stanley asked if this is not permissible under present law and Mr. Purcell replied that it is not expressly permitted, but the Legislative Counsel's Office has taken the position that it is permissible. Mr. McMillan moved, it was seconded by Mr. Bonelli, and passed that appropriate legislation be prepared to clarify this question for introduction at this 1957 Session, whereby a candidate "may" be endorsed in the primary.

Mr. Andrew W. Habecker, 202 East Loop Drive, Camarillo, representing Ventura County Democratic Central Committee, Ventura, was the next witness to appear and commented briefly:

1. Advocates that chairman have terms that run through two elections.
2. Recommends abolition of cross-filing.
3. Election law should be amended to make it mandatory that the county clerks spell out names in full.
4. Party affiliation of candidates for all elective offices be shown on ballots.
5. Allow 18-year-old voting.
6. Agrees with views expressed by Mr. Williams on matter of responsibility of candidates to file statements.

Mr. Richard B. Cartwright, 5325 Monlaco Road, Long Beach, Education and Political Action Director, UAW International Union, Los Angeles, stated he was appearing to concur with previous recommendations and to offer a few of his own—on registrations in Los Angeles County. Stating that the registrar or the person in charge of registrations is not abreast of the tremendous growth of California, UAW would like to concur in the proposed change in Section 123 to read: "The election board in each county shall provide by resolution for the registration of electors in their respective precincts by the county clerk.

One of the election officials, or another registered voter in the precinct, shall be deputized as a permanent deputy registrar for the purpose of conducting a house-to-house canvass to register potential voters before each primary and general election."

Mr. Bonelli offered the resolution that this section of the law be amended as proposed by Mr. Cartwright which motion was seconded by Mr. Stanley and it was passed that the Legislative Counsel should prepare amendments as offered by Mr. Cartwright for introduction at the next session of the legislature.

Mr. Grover Cleveland Dodson, Democratic nominee, Seventy-third Assembly District, Barstow, was the next witness and his message was:

1. Very important that the law be changed to permit 18-year-olds to vote.

2. Law should be passed that if a central committee member misses a certain specified number of meetings without proper and legitimate excuse, he be dropped from the committee and the vacancy filled by the committee.

At 11.30 a.m. the meeting recessed until 2 30 p.m

Reconvened at 2.30 p.m.

Mr. William E. Gummerman, 338 N. New Hampshire, Los Angeles, representing the Democratic State Central Committee, was the first witness in the afternoon session. His concern was a question that is going to come up in connection with both the platform and the by-laws of state central committee, that is, lack of an organization closer to the people than is the county central committee. There is no particular elementary organization smaller than the county central committee and there should be some machinery or type of device for a closer interworking of the basic elementary units of the political party, suggesting possibly an assembly district committee. * * * County committee members and state committee members residing in an assembly district might combine to form an assembly district committee. This is being done in some areas. He stressed the lack of uniformity, urging that some type of definition is necessary—by combination of statutes and by-laws of state and county central committees—to correct a lack of uniform rule or guide from district to district.

At this point, Acting Chairman Bee acknowledged the presence of Assemblymen Rex Cunningham of Ventura, Charles Wilson of the Sixty-sixth District, Los Angeles, and Don Allen of the Sixty-third District, Los Angeles.

Mr. Don Allen was invited to testify if he had anything to say before the committee and he replied that he had nothing specifically to say but did comment on the fact that "some joker whose name escapes me at the moment" appeared before the committee and accused him of failing to qualify and wanted some changes made in the law. Mr. Allen said he sees no reason why the law should be changed but it should remain as it now is. Mr. McMillan inquired as to if that person he referred to appeared before this committee and if so, when? Mr. Allen replied that he read something about it in the papers. Acting Chairman Bee stated that the man referred to was Mr. Jonas who appeared before the committee at its meeting held just prior to the Republican Convention. (Note: Assemblyman McMillan was not present at the previous meeting of this committee.)

Mr. Robert B. River, 4507 Tulip Avenue, Oakland 19, was next recognized and came forward to read a series of proposals advancing his personal ideas for election law changes, after which he presented the following statements to the committee in behalf of individuals and organizations as indicated:

Statement of Mr. Edward Hirsch, Chairman, the Alameda County Citizens Voter Registration Committee, dated July 24, 1956.

Statement before the California State Interim Committee on the Elections Code in behalf of the Alameda County Democratic Central Committee, dated August 31, 1956.

Registration situation in Alameda County as of August 24, 1956.

Statistics pertinent to registration of voters in Alameda County.

Chairman Conrad questioned the intent of Mr. River's personal idea with respect to removal or cancellation of registration of members of state central committee when they openly endorse or support a candidate of another party. Mr. River replied that he was merely presenting suggestions in behalf of active Democrats in the 15th District * * * that his only personal suggestion is that of abolishing cross-filing.

Mr. Allan K. Jonas, Democratic nominee, Forty-sixth Assembly District, residing at 5843 W. 95th Street, Los Angeles 45, was the next witness. He said the Westchester Coordinating Council asked him to bring to the attention of the committee the necessity for a change in the law that has to do with absentee balloting, Section 5970, by persons hospitalized at the expiration of time limit for registration He further presented a new section to the Elections Code as Sec. 11622, the text of which deals with persons claiming to have the support of any group which he does not have, making such action illegal.

Just as the meeting was adjourning, Mrs. Elizabeth Snyder, Democratic State Chairman, came in and was invited by Acting Chairman Bee to come forward if there was anything she would like to present to the committee. Mrs. Snyder replied that she had nothing specific to say but inquired if the committee would have any suggestions to present to the platform committee the following day. Mr. McMillan replied that various resolutions had been passed at this meeting for the preparation of legislation to be introduced at the 1957 Session of the Legislature. Mr. Conrad added that any Democrat was privileged to request any proposed legislation of the Legislative Counsel.

Mr. Don Allen commented hastily on the work required of election boards, branding it as "inhuman" in volume. Mr. McMillan inquired if Mr. Allen was familiar with the proposal calling for two election boards—one for the balloting and a new board to come in and take over the counting of the ballots after the polls close. Acting Chairman Bee stated that nothing had been presented at this meeting dealing with election board officials' duties. Chairman Conrad brought to attention the provisions of Article 3 of the Elections Code, Sections 7560, 7561, 7562, 7563 and 7564 which provide for additional help if the county wants to spend the addition money * * * the county has authority to do this if they want to stand the added cost.

Mr. Timothy I. O'Reilly, Bank of America Building, San Luis Obispo, representing the Democratic Central Committee, San Luis

Obispo, commented briefly on the seriousness of the possibility of moving the primary date back to August.

When it was ascertained by Acting Chairman Bee that there was no further witness who wanted to appear before the committee, the meeting adjourned at 3.15 p.m.

MINUTES—DECEMBER 3, 1956

A meeting of the Assembly Interim Committee on Elections and Reapportionment was held in Room 115, State Building, Los Angeles, Monday, December 3, 1956. This meeting was called specifically to receive suggestions and proposals for legislation to be introduced during the 1957 Session of the California State Legislature. Letters of invitation to attend the meeting were directed to Mr. Benjamin S. Hite, Registrar of Voters of Los Angeles County; Honorable Frank M. Jordan, Secretary of State; members of the Senate Elections Committee and each member of this committee. Official notices of the meeting were mailed to all other Assemblymen and Assemblymen-elect as well as Senators and Senators-elect; leaders of the various political parties; business and labor organizations; and all other interested organizations and individuals that came to our attention.

Members present were Messrs. Frank G. Bonelli, Montivel A. Burke, Lester A. McMillan, Caspar W. Weinberger, Carlos Bee, Vice Chairman; Charles J. Conrad, Chairman.

Also present and sitting with the committee during the hearing were: Mr. Edward K. Purcell, Office of Legislative Counsel; Mr. Charles J. Hagerty, Office of Secretary of State; Hon. Richard T. Hanna, Assemblyman-elect, Seventy-fifth District; Senator-elect John William Beard, Thirty-ninth District.

The chairman explained the purpose of this meeting, adding that it was the intention of the committee to have the Legislative Counsel prepare bills for preprinting on proposals submitted that were of a noncontroversial nature, and these bills would be introduced in the early days of the 1957 Session, thereby saving considerable time and money to the State.

The first witness was Mr Benjamin S. Hite, Registrar of Voters of Los Angeles County. His opening remarks were that he had intended to present his proposals in bill form, but during his absence due to illness, the work had been done by his staff and it was not prepared as he had intended it to be done so he would present his ideas verbally at this meeting and submit them in bill form as soon as possible.

A summary of his discussion showing recommendations and proposed action follows:

Elections Code	*Proposal*	*Subject matter*
Sec. 132		
132.6	Amend	Registration of absentees
230	Amend	Form of affidavit of registration.
293		
293.5		
295		
296		
296.5	Amend	Cancellation of registration; war voters, death.
651		
652	Amend	Precinct boards; correct obsolete references to fifth and sixth class cities

Elections Code	*Proposal*	*Subject matter*
678	Amend	Incorporate with Sec. 5715 (merely to put code section in right place).
675		
684		
685	Amend	Declaration of and form for inspectors
2571	Amend	Statement of number of voters made by county clerks
3828	Amend	Relating to ballot compositon. Amend to conform to Sec. 3922 and Sec. 9801.
3830	Repeal and add	Ballot revision—general election ballot.
3946	Repeal and add	Ballot form—change to conform to amendments having been passed from time to time
4533	Amend	Filing of campaign statements.
4534	Repeal	Campaign statements.
5503		
7007		
7008		
7009		
7019		
7021		
7104		
7207	Amend	For clarification—change "tally list" to "tally sheet"
5721		
5722	Amend	Assistance to disabled voter
5901		
5932.5		
7801.5	Amend	Absentee voting; application for ballot, war voter, time of
5930		
5931		
5970	Amend	Absentee voting, place of residence, away from residence.
5931.7	Add	New section covering return of war voters
7972	Amend	Presidential primary election returns—to bring up in line with Sec. 2400
11052	Amend	Recall petition of county officers; signatures required.

Municipal Water District Act	*Proposal*	*Subject matter*
Sec. 4.1	Amend	In 1953 section was amended but the amendment made reference to wrong section of Elections Code

Public Resources Code	*Proposal*	*Subject matter*
Sec. 5410.5	Amend	Recreation, park and parkway district elections—election of directors.
5410.55		
5410.56	Add	Recreation, park and parkway district elections—election of directors

At this point (11.10), Chairman Conrad invited Mrs. Rhea C. Ackerman representing Cedars of Lebanon Hospital to testify inasmuch as she had indicated she must leave the hearing at 11.20, but she apparently had already left the meeting as he received no response to his call.

Mr. Conrad recited a case that had come to his attention where a lady was incapacitated in her home with a broken foot, but because she was not in a hospital, although she had a doctor's letter, she could not get a ballot to vote on Election Day * * * (Sec. 5970). Mr. Hite commented that it's just a question of how far the registrar wants to go in a case of this kind. If they are going to accept applications for ballots within a five-day period prior to election day, then the county

clerk is going to be faced with the problem of "do we have absentee ballots?" Mr. Weinberger agreed on an amendment eliminating the requirement of physician's letterhead.

Mr. Conrad then read a letter from Lionel Steinberg, Chairman, Democratic State Central Committee for Northern California, regarding absentee ballots.

Chairman Conrad again called for Mrs. Ackerman, but again received no response.

The next witness was Assemblyman William F. Marsh who had things to say regarding a smear sheet distributed by his opponent in the general election, but pointed out that what he had to say was not directed to any one political party. Stating that he did not know who was responsible for the smear sheet used against him, he pointed out that two of the names on the paper also appear on the letterhead of his opponent and also the union bug used on the smear sheet is that of the printer who does work for his opponent. Mr. Marsh then went into detail to refute all charges made on the smear sheet. Mr. McMillan asked Mr. Marsh if he had anything specific to recommend to which Mr. Marsh replied that his recommmendation was that we may have to get so drastic as to require that all political material for or against any candidate affecting his record must be approved by the Secretary of State and that the material must be approved by the political party affiliation of the candidate.

Mr. Duane Wheeler was the next witness to appear and stated he would do as Mr. Hite had done—briefly present verbally to the committee his recommendations and then prepare his ideas in bill form, sending them to Mr. Conrad not later than January 10, 1957. His discussion and comments were on the following proposals:

Elections code	*Proposal*	*Subject matter*
Sec. 1701		
1709		
1711		
1712	Amend	Municipal election petitions; basis of determination of whether petitions carry required number of signatures.
11111	Amend	Same amendment applicable to this section.
1771	Amend	Same amendment applicable to this section.
5721	Amend	Marking of ballot; assistance to disabled voter.
5736	Amend	Unused ballots; handling by clerk of spoiled, unused and canceled ballots.

Mr. Wheeler's presentation was interrupted for lunch and the hearing recessed at 11.50 until 1.30 p.m.

Reconvened at 1.30 p.m. and Mr. Wheeler continued, as follows:

Elections code	*Proposal*	*Subject matter*
Sec. 11101	Amend	Increase "12 percent of the voters" to "25 percent of the voters." Mr. Burke said he had no objection to this increase and he would be glad to amend the bill he put in last session.
3701	Amend	Ballot paper: to allow responsible firms to obtain from Secretary of State by posting a deposit of $5.000. Mr. Conrad directed Mr. Purcell to have such a bill prepared.
1717	Amend	Printing of argument on sample ballot prohibited when initiative election consolidated with other elections.
5736	Amend	Disposition of cancelled, spoiled and unused ballots.
11652	Amend	Recall of public officer; felony when coercion exists.
9803	Amend	Ballot paper.

Elections code	*Proposed*	*Subject matter*
5901	Amend	Absentee voter ballots; application time extended from 20 to 54 days.
9801	Amend	Instructions to voters.
7920	Amend	Canvass of returns inapplicable to general law, rather than fifth and sixth class—city elections.
7041		
7042		
7043		
7108		
7607		
7608		
9102		
9850		
9912		
9917		
11553	Amend	Technical and clarification changes—"tally lists" to "tally sheets", etc. etc.
11114	Amend	Recall of municipal officers; time of special recall election.
9754		
9754.1		
9755	Amend	Notice of elections; publication of and other technical and clarifying changes.
9755.1	Add	Municipal elections; duties of clerk.
9760	Amend	Nomination papers; municipal office.
9760.1	Amend	Elections where no contest for elective city office
9483	Amend	Add: "for the benefit only of the city of San Diego."

Mr. Bonelli inquired if the provisions of Section 9483 had been operative since 1951 when introduced by Assemblywoman Niehouse, to which Mr. Wheeler replied they had. Mr. Fred J. Moore, Jr., County Clerk of Humboldt County, said they had no objection to the language as written. Mr. Conrad said a bill would be submitted for approval during the next session of the Legislature.

Mr. Wheeler further recommended repeal of all sections of the Health and Safety Code, Water Code and Public Resources Code pertaining to elections and have provisions of Elections Code apply instead. He also suggested that one provision of the Health and Safety Code (6588.1) under which no election is held where there is only one nominee for each office of member of the board of directors of a district be extended to some other elections. He also mentioned that the simplification of elections lies in general law cities procedure and would like to repeal many of these special elections and have them held in accordance with general law cities procedure.

Mr. Wheeler concluded with the statement he would like to have application for absentee ballots made up to the fifty-fourth day rather than the twentieth day—Section 5901 Elections Code.

At this point, Mr. Conrad requested Mr. Hite to return for one more question regarding change in date of primary election—"What would you think is the last feasible date a primary election could be held?" Mr. Hite replied that he thought we should make quite a study of this and go into the various code sections that have already been enacted. Considerable thought should be given to the question, adding he would

be happy to work with Mr. Conrad on this. Mr. Hite said he thought probably August 1st would be the last feasible date, but feels the question should receive very careful study by the committee.

Col. Louis H. Bell, Chairman of the Republican Central Committee of Santa Barbara County, read and discussed recommendations as set forth in his prepared statement dealing upon four subjects, i.e.:

1. Increase the time between the registration deadline and election day from 53 days to 70 days—steady influx of new voters into California justifies this increase to enable county clerks to prepare new voting lists.

2. Suggested periodic reregistration might be necessary in large urban areas, but believes present procedure best in places where population figure is below 250,000.

3. Permit either husband or wife to sign application for spouse when requesting an absentee ballot.

4. Amend Sections 6053, 5931 and 5932.5 of Elections Code to clarify counting of absentee ballots procedure

Chairman Conrad asked Assemblyman-elect Richard Hanna if he would like to bring up anything to which he replied that his only comments at that time were on the extremely heavy work load imposed on precinct workers * * * there is far too much of it and something should be done to lessen the number of hours put in by these workers.

Mr. David Freidenrich, Secretary, Democratic State Central Committee for Northern California was the next witness His statement was on the tenure of office for state central committee members * * * he thinks membership should be for a two-year period. Also suggests repeal of Section 2830 as he does not believe either party ever uses this section * * * knows the Democratic Party does not. Mr Conrad asked if there was any objection to his proposal. Mr. Weinberger stated not in the category of noncontroversial so Mr. Conrad requested Mr. Purcell to prepare proposed legislation on this.

Mr. Freidenrich continued by saying Section 2838 ties in with the same respect to remarks made on Section 2830 Mr Weinberger stated this is something that should be cleared up and Mr. Conrad requested Mr. Purcell to prepare legislation to accomplish this. Mr. Conrad also stated in response to his comments on Section 2792.1, that this should be referred to the Democratic caucus.

The next witness was Mr. Don L. Bradley who commented on smear sheets in the case of *Assemblyman Meyers of San Francisco* vs. *Ebert*.

At this point the chairman announced that Assemblyman Weinberger had to leave to catch a plane so he is being permitted to be the next witness. Commenting on the purpose of the proposed amendment relating to political conventions, Mr Weinberger said the matter presents a controversial issue and Mr. Conrad requested Mr. Weinberger to have appropriate legislation prepared by Mr. Purcell on this matter.

Mr. Charles J. Hagerty, Office of Secretary of State presented the committee with a photostat copy of a letter from the State Printer to the Secretary of State requesting his office to sponsor amendments to Sections 1452, 1505 and 1506 of the Elections Code to bring about a

greater spread of time for producing election materials. Mr. Hagerty also offered a proposal that amendment be made to Section 3041 Elections Code to limit the percentage of the entire vote cast at preceding general election that can be signed to nomination papers of candidate at special election to fill vacancy in office of Congress, State Senate and Assembly. The law now requires, if through miscalculation, more signatures are secured than the required number (1 percent) the candidate shall notify each signer in excess of 1 percent that his name has not been used. Mr. Hagerty recommended the law be changed to specify not more than 2 percent of entire vote cast at preceding general election.

Mr. Harry M. Free, County Clerk, Imperial County, El Centro, was the next witness. He read from his prepared statement, as follows:

1. Fingerprinting on affidavit of registration—Controversial
2. Outside remuneration paid registrants—Mr. Purcell was requested to prepare an opinion on this for Mr. Free.
3. Non-English speaking or reading voters—Controversial, but Mr. Purcell was requested to prepare an opinion on this for Mr. Conrad's personal information.

Mrs. Eleanor Felton, Assistant Registrar of Voters, San Bernardino, was the next witness who gave their experience with the two-platoon system.

Mr Gordon Pequegnat, County Clerk, Riverside, was the next witness. His recommendation was for a change in ballot form (Sec. 3880). Mr. Conrad requested Mr. Purcell to prepare legislation on this for discussion by both political parties.

Mr. Fred J. Moore, County Clerk, Eureka, presented proposals for two bills—one which would provide for one or more substitutive canvassing boards to expedite the completion of the precinct election returns, and the other designed to provide additional canvassing boards and providing compensation therefor. Mr. Purcell was asked by Mr. Conrad to prepare appropriate legislation on this for consideration.

The next witnesses were Anne E. Logan and Mrs. James B. Kipp of Lake Hughes who registered complaints on irregularities in voting procedures at Lake Hughes. No action was taken by the committee since their testimony did not present actual violations of Election Code procedures, but seemed to be a matter for reference by complainants to the District Attorney's office.

Mr. V. R. Jublow, El Cajon-Valley Home Owners & Taxpayers Association, Inc., and Mr. William H. Shineff, 10142 Pinewood Avenue, Tujunga, Los Angeles, testified on municipal elections and recommended amendment to Section 9480 to amend the method of conducting elections in general law cities so that candidates for councilmatic offices be required to get a majority of the vote cast in order to be elected. Mr. Conrad requested Mr. Purcell to prepare legislation for consideration and suggested that Mr. Jublow contact his Assemblyman, Jack Schrade, and Senator Fred H. Kraft in his efforts to bring about his amendment to the law.

Mr. Conrad read suggestions submitted by Mr. E. A. Breckenfeld, Vice President of Schwabacher-Frey Company, San Francisco, California.

When the meeting reconvened after lunch, Mrs. D. C. Post, 5163 Sanchez Drive, Los Angeles 56, requested that she be mailed a copy of the report of this committee when it is printed and Mr. Conrad assured her that this would be mailed to her, adding that it would not be available until after the Constitutional Recess of the 1957 Session.

There being no further business before the committee, the hearing adjourned at 3.45 p.m.

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REPORT OF THE

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

TO THE 1957 GENERAL SESSION OF THE CALIFORNIA LEGISLATURE

House Resolution No. 177, 1955

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LETTER OF TRANSMITTAL

ASSEMBLY CHAMBER, STATE CAPITOL
SACRAMENTO, CALIFORNIA, March 5, 1957

HON. L. H. LINCOLN
Speaker of the Assembly
Members of the Assembly
Assembly Chamber, Sacramento, California

GENTLEMEN: Pursuant to House Resolution No. 177, 1955 Session of the California Legislature, your Assembly Interim Committee on Governmental Efficiency and Economy submits its report covering its functions and activities during the 1955-57 Interim.

The work of the committee was divided among various subcommittees and each submits its own report and recommendations, if any, based upon facts accumulated at the various hearings

Respectfully submitted,

RALPH M BROWN, Chairman
FRANK G. BONELLI
CARLOS BEE
CLARK L. BRADLEY
REX M. CUNNINGHAM
WALTER I. DAHL
EDWARD E. ELLIOTT
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REPORT OF THE

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

on

COLLECTION AND DISPOSAL OF RUBBISH AND GARBAGE IN THE LOS ANGELES AREA

INTRODUCTION

In a letter dated July 21, 1955, addressed to Assembly Speaker Luther H. Lincoln, Mayor Norris Poulson of Los Angeles, requested the Speaker to assign to an appropriate committee "an investigation of all problems surrounding the question of collection and/or disposal of refuse."

The letter stated, in part:

> "I have conducted an inquiry into this affair by virtue of my charter authority. As a result of this inquiry we find that areas of conflict have occurred in an attempt to bring about a solution to this problem that indicates that there are weaknesses in the law that may require action by the State Legislature. * * *"
>
> "Prompt action in this matter will be greatly appreciated by the millions of citizens in this area whose health and welfare are vitally involved."

The inquiry to which the mayor refers above began with a public hearing on June 21, 1955. In his opening statement, the mayor set forth the objectives of the hearing as follows:

> "The background of this question must be given briefly. Because of the ban that has been placed by the board of supervisors on the use of backyard incinerators, it appears that we must make a finding on how the rubbish that these burners have taken care of in the past is to be collected and disposed of in the City of Los Angeles. This decision will directly affect every resident of this city. We must take extreme care that whatever program is adopted affords the maximum protection of their interests and that the service is as efficient and inexpensive as possible"

Pursuant to the mayor's letter of July 21, 1955, the Speaker referred the matter to the Assembly Interim Committee on Governmental Efficiency and Economy. The chairman designated the full membership of the committee to hear the testimony and study the evidence. For this purpose, hearings were conducted in Los Angeles on September 28 and 30, October 3, 4, and 5, 1955, and on May 7, 8, 9, 10 and 11, 1956. In all, testimony was taken from 84 witnesses covering 1,600 pages of transcript. In addition, much documentary evidence was introduced. The witnesses heard included public officials representing many of the incorporated cities in Los Angeles County, county officials having responsibility for administering the program, legal officers charged with interpreting the pertinent statutes, representatives of management engaged in both the collection and disposal of refuse; industrial, commercial and household customers, as well as representatives of labor.

As a result of the study made by the committee staff, and the hearings conducted by the interim committee, the following findings and recommendations are submitted by the committee for legislative consideration.

FINDINGS

The committee finds:

1. That authority for and over the collection and disposal of refuse in Los Angeles County is diffused among the 49 incorporated cities and the county.
2. That as a result of this diffusion there is no uniformity of practice in administering the various jurisdictions' authority over such collection and disposal of refuse.
3. That with some exceptions the collection of both rubbish and garbage is generally accomplished by private contractors under contracts with the various governmental agencies.
4. That the disposal of rubbish is largely through cut and cover dumps owned and operated by private individuals.
5. That the disposal of garbage is largely to hog raisers who are usually also in the garbage collection contracting business.
6. That the collection of rubbish and garbage and the disposal thereof are interrelated problems.
7. That individuals and combinations of interests among individuals engaged in the business activity surrounding the collection and disposal of refuse have sought competitive advantages through their relationships with public officials and with each other, to the detriment of the public's interest.
8. That in some instances public officials administered their authority to make contracts for the collection and disposal of refuse in an unbusinesslike manner to the detriment of the public's interest.
9. That to continue the collection and disposal of refuse in Los Angeles County under the present unintegrated administrative system will permit the re-establishment and continuation of the practices found by the committee to be inimical to the public welfare.

RECOMMENDATIONS

The committee recommends:

1. That all the governmental entities in Los Angeles County re-examine their administration of refuse collection and disposal. This re-examination should be directed toward the application of sound business principles to the contracting phases of such administration, and toward a realistic appraisal of the relationship of each entity to the over-all problem of refuse collection and disposal for the Los Angeles area
2. That legislation be enacted to provide uniform standards for the negotiation, execution, amendment, operation and termination of service contracts by cities These standards should require that the contracting for services by cities be done under procedures similar to those applicable to state contracts, so as to secure to the cities the benefits of open competitive bidding.
3. That enabling legislation be enacted to permit the centralization of administration of the collection and disposal of refuse for the entire area. This form of administrative organization should permit the solution of the refuse collection and disposal problems without reference to local political boundaries.

REFUSE PROGRAM AS PRESENTLY ORGANIZED

COLLECTION OF RUBBISH AND GARBAGE

The committee finds an almost total absence of uniformity in the collection programs within the 49 incorporated cities in Los Angeles County and the 14 garbage districts administered by the county through its Department of Health.

These variations are manifold.

A. Household Services

1. Municipal collection of rubbish but private contract for the collection of garbage;
2. Municipal collection of garbage but private contract for the collection of rubbish;
3. Private contract for collection of both rubbish and garbage;
4. Private collection contracts under which reimbursement to contractor is based on a flat monthly rate;
5. Private collection contracts under which reimbursement is based on the number of water or electric meters in the city;
6 Cities which pay collector to haul garbage away;
7. Cities in which collectors pay for the privilege of collecting and hauling the garbage;
8. Cities which have garbage contracts containing escalator clauses under which reimbursement is geared to the market price of hogs;
9. Cities which have other variations of the eight above cited types of contract.

The following comments are illustrative of the variety of contractual arrangements under which garbage and rubbish are collected in the various cities in Los Angeles County:

Alhambra. There are four separate contracts in force with the same contractor, calling for the collection of both combustible and noncombustible rubbish There is one contract for the collection of garbage with the same contractor. The garbage contract provides for a flat rate of compensation to the contractor at the time the contract was entered into, with periodic adjustments predicated on the numbers of water meters installed. The rubbish contracts, however, do not have a compensation device to allow for expansion of the service and as new areas are annexed to the city, new contracts are written. Compensation under these rubbish contracts is a flat sum with provision for adjustment based on changes in the cost of living as shown by Bureau of Labor Statistics. It should be noted that while the first two additional rubbish contracts were so written as to provide a termination date which coincided with that of the basic contract, the last contract will be in force for three years after the termination date of the other three contracts, although it covers only a portion of the city.

Arcadia. This city has a contract for collection of both rubbish and garbage with the same contractor. It provides that the contractor shall collect 50 cents per month per household for rubbish collection and 75 cents per month per household for both rubbish and garbage, and in turn is to pay a flat sum of $175 per month to the city for the

garbage collected. The contract was originally written for three years, but at the end of 22 months was extended to run five years from that date or a total of six years and 10 months instead of three years.

Azusa. Separate contracts with different contractors were in force for the collection of garbage and rubbish at the time this material was assembled. Since that time the rubbish contract has expired. This contract provided for payment to the contractor of 45 cents per light meter. The garbage contractor receives $965 per month with provision for increases based on increases in the number of stops.

Bell. This city has a single contractor who collects both garbage and rubbish for a flat monthly sum. Adjustments in the rate of compensation could be made under the contract by agreement.

Beverly Hills. Separate contracts for garbage and rubbish disposal with separate contractors are in force in Beverly Hills. The city pays the contractor a monthly sum based on the average price of hogs for the preceding month. It also pays a flat price per ton of rubbish. The city collects both rubbish and garbage and only contracts for disposal.

Burbank. One contractor has the contract for collection of both rubbish and garbage. The city charges householders a flat monthly sum for the service and retains 15 percent of the amount collected, paying the balance to the contractor.

Compton. A single contractor collects both rubbish and garbage for a flat sum per month. The contract provides for adjustment of the rate based on an annual review of the contractor's operating costs. The original contract was written for a three-year period, but after 15 months was rewritten to cover five years and the rate was increased 30 percent. This change of the terms of the contract was effected without competitive bidding. The contract also contains an option for renewal for three years

Covina. This city collects its own rubbish but contracts for the collection of garbage. It pays the contractor a flat rate per installed water meter for the service.

Culver City. This city has a single contract for the collection of both rubbish and garbage The contract provides for a flat monthly sum to be paid to the contractor to be adjusted on the basis of electric meter installations The contract was originally entered into in 1948, for a period of three years. After six months it was extended to a total of six years from the original date and the basic rate was increased. It was again extended in 1953 when it still had a year to run to include an additional three years or a total of nine years, and the basic rate was again increased. No competitive bidding was involved in these extensions.

El Monte. Separate contracts for garbage and rubbish are in force. The rubbish contract provides for a flat fee per residence for those in excess of a certain number with a basic sum per month being paid for that number. The garbage contract provides a flat monthly sum to be paid the contractor with provision for adjustment in relation to annexed property. The garbage contract was originally written for a three-year period in 1949. It was extended for an additional five years

shortly prior to the end of the first term, and an option to renew for three years was written in better than two years prior to the last expiration date.

El Segundo. A single contract for collection of both rubbish and garbage provides for a flat monthly payment to the contractor with provision for increase based on the number of water meters. Originally written in January of 1952 for a three-year period, the contractor continued on a month-to-month basis on the same basis of compensation when the contract terminated in January of 1955.

Gardena. This city has a single contract for both rubbish and garbage providing a flat monthly payment to the contractor based on the number of dwelling units served with provision for annual adjustment based on an annual recount of the number of dwelling units. The contract was written in 1952 for a five-year period and contains a five-year renewal option. The basic price per dwelling unit was increased by 47 percent after 3½ years.

Glendale. Separate contracts are in force for rubbish and garbage with separate contractors. Both contracts provide flat monthly payments to the contractors with provision for adjustment based on water meter installations.

Glendora. This city has separate contracts for rubbish and garbage with separate contractors. The garbage contract provides a flat monthly payment to the contractor and is written for one year with a one-year renewal option. The rubbish contract provides for a flat monthly charge per unit. This contract was written for five years in 1952. After two years and eight months the rate per unit was increased by 41 percent.

Hawthorne. A single contract for both rubbish and garbage is in force in this city. It provides a basic flat monthly payment with provision for adjustment on the basis of quarterly water meter counts. A 5 percent deduction from the total count is provided as a vacancy factor. A virtually identical contract for a five-year period was entered into with a different contractor in 1952. The present contract was entered into in 1955 while the prior contract still had 22 months to run. No explanation of the reasons for the change appear in the contract. The first contract provided that even if the people of the city forced a change or curtailment of the service provided for, the contractor was entitled to a five-year period. Both contracts provided that the basic rate could be altered by mutual agreement.

Hermosa Beach. A single contract is in effect for both rubbish and garbage providing a flat monthly payment to the contractor for a three-year period.

Huntington Park. This city has three contracts, one for garbage, one for residential rubbish and one for commercial rubbish. The contractors for garbage and residential rubbish are paid flat monthly payments while the commercial rubbish collector pays the city $50 a month.

LaVerne. This city has no contract. Residents make their own arrangements for disposal of rubbish and garbage.

Long Beach. This city has two contracts for the disposal of rubbish with separate contractors, at different locations. Compensation is calculated on a price per ton.

Lynwood. This city has a single contract for garbage and rubbish based on payment to the contractor of a flat monthly sum with provision for adjustment based on water meter installations.

Manhattan Beach. This city has a single contract for collection of rubbish and garbage at a flat monthly rate per water meter which can be varied by agreement between the parties. A contract was entered into with this contractor in 1952, for two years. This contract was extended at its terminal date for one year. During this extension the rate per meter was increased by 10 percent and was extended for an additional three years at the end of that year for a total life of six years for an original two-year contract.

Maywood. This city has a single contract for rubbish and garbage at a flat monthly rate to be paid the contractor. This contract was entered into after the city council became dissatisfied with the prior contractor's demands for additional compensation. The present contractor experienced unusual difficulty in disposing of both garbage and rubbish, the details of which are set out elsewhere in this report.

Monrovia. This city has a single contractor for collection of both rubbish and garbage. Compensation is calculated in a rate per month per water meter and covers residential service only. The contract was originally written for three years on June 1, 1949. On January 1, 1951, the rate per meter was increased by 43 percent In November, 1951, the contract was extended for 10 years to make a total term of approximately 12½ years for a contract originally written for three years.

Montebello. This city has a single contractor. The contract was originally entered into in January, 1952, for a period of six years and 10 months with compensation based on a flat monthly charge per household per month. Additionally, the contractor was given a permit to operate a dump within the city limits. The use of this dump was not restricted to collections from Montebello, but could be operated for public use. In August, 1955, the rate of compensation was increased by approximately 42 percent.

Monterey Park. The city has a single contract for both rubbish and garbage. The contractor is the same as in the case of Montebello. The original contract was entered into in January, 1947, for a period of five years, and provided for a basic monthly rate per household. In April, 1948, this rate was increased by 20 percent. In March, 1949, the city leased property for a dump from an associate of the contractor, and entered into an agreement with them to have the dump operated for a period of nine years and eight months. The city was to receive an amount equal to the rent it was required to pay for the property and 5 percent of the gross receipts from the dump operations or $300, whichever was the greater sum. In addition, the city was to be permitted to dump its own operational rubbish free. In December, 1951, a new agreement called a supplemental agreement was entered into. This had the effect of extending the original collection agreement until November, 1958, and consolidated the collection and dump operation

agreements into one instrument. The facts concerning the negotiation of these various agreements and concerning the operations conducted under them are discussed elsewhere in this report. In June, 1955, the rate of compensation per dwelling unit per month was again increased by 30 percent.

Pasadena. This city has a contract for the collection of garbage only. Compensation to the contractor is a flat monthly sum subject to adjustments based on the price of hogs. This adjustment provision was added after the contract had been in force slightly less than three years of its original five-year term. There is an option provision included for an extension of five years.

Pomona. This city collects its own rubbish and garbage and has no contracts with private contractors.

Redondo Beach. This city also collects its own rubbish and garbage without private contracts.

San Fernando. This city has a contract for collection of garbage only with a single contractor whom it pays a flat monthly rate

San Gabriel. This city has a contract with a single contractor for collection of rubbish and garbage Rates paid by householders to the contractor are set by city ordinance, and collected by the contractor who retains 75 percent of the amount collected.

San Marino. This city has a contract with a single contractor for the collection of garbage and noncombustible rubbish only. The contractor collects from householders who have the option to have both garbage and noncombustible rubbish picked up or just garbage alone. Different rates apply depending upon the type of service. A contract entered into in 1930 was finally terminated in May, 1953, and a three-year contract with options for yearly renewals thereafter was substituted. The substituted contract provided a 50 percent increase in rates.

Santa Monica. This contract provides for collection of garbage only. The contractor pays the city a price per ton based on price of hogs. The contract is written for three years with provision for two-year extensions thereafter.

Sierra Madre. This contract provides for a single contractor to collect both rubbish and garbage. Compensation to the contractor is based on a rate per water meter installed.

Signal Hill. This city collects and disposes of both garbage and rubbish without private contracts.

South Gate. A single contractor has a contract for collection of both rubbish and garbage for a flat monthly fee. Provision is made for adjustment based on a rate per month for each unit annexed.

South Pasadena. This city has separate contractors for garbage disposal and rubbish collection. The garbage contractor pays the city a flat monthly sum. This contract was originally written for five years in 1950. In 1954 it was amended and extended for an additional five years. The rubbish contractor collects from customers on rates prescribed by the city and remits 14 percent of the amount collected to the city.

Torrance. This city has a contract for collection of garbage only. Compensation is a flat monthly sum paid to the contractor with provision for adjustment based on the number of electric meters installed.

Vernon. This city has no contracts for garbage and rubbish collection or disposal and does not provide the service itself Individual citizens make their own arrangements for collection and disposal.

West Covina. A single contractor collects both garbage and rubbish. The contractor collects fees set by the city, and pays the city a flat monthly sum for the garbage.

Whittier. Here the only contract is for garbage collection. The contractor is paid a flat monthly rate per active water meter subject to adjustment dependent on numbers of meters. The contract was originally written for five years in 1950 In 1954 the contract was extended for three years.

The foregoing comments in large part relate only to the procedure adopted by various cities in Los Angeles County for collection and disposal of rubbish and garbage as shown by the numbers of separate or combined contracts, and the term and remuneration provisions of each. Obviously different conditions, such as size, rate of growth, distance from disposal sites, predominant nature of the community, i e. residential, industrial or commercial, as well as other less definable characteristics will require and result in a considerable variety of approaches to the over-all refuse problem.

Time and staff availability did not permit the close investigation and analysis of the conditions and circumstances surrounding the negotiation and execution of all of these contracts nor of the operating conditions experienced under them. However, as to those contracts which were so examined it became quite apparent that the procedures for negotiating and consummating contracts in this field were as varied as the contracts themselves, and that the conditions described elsewhere in this report relating to individual cities resulted from the negotiations preceding a contract and the operations thereunder rather than from the variation in the contracts themselves. Some of these contracts resulted from simple calls for bids or offers. Others resulted from the incorporation of service requirements into ordinances, and others were based on formally adopted specifications. Frequently the obligations of the parties under these contracts appear to have been waived or altered by informal agreement between administrative officers of the the city and the contractors.

It would appear to be highly desirable that standardized procedures for the negotiation, execution, amendment, operation and termination of service contracts by cities be in force in all cities in California. Such standard procedures should incorporate the best business practices, and be designed to require that all phases of such contractual relationships be accomplished with adequate public notice and under circumstances which afford all interested parties an opportunity to express their views. Additionally, there should be positive limitation on the authority of public officials to amend, extend or otherwise change existing contracts without adhering to the same basic procedures required for initially entering into a contract.

Providing for the collection and disposal of rubbish and garbage through the use of service contracts is only one of the functions of city government which is performed through the use of such contracts. Consequently the value of standardized practice in this field is not limited to the scope of this report. However the committee believes that not the least of the problems it encountered in this inquiry was the failure on the part of all city officials to perform this contracting function in an open, orderly and businesslike manner.

The basic reason for the lack of uniformity among the respective cities' programs is twofold. First, there is no statutory yardstick; second, the looseness of practice in negotiating, amending and extending contracts.

In the second case, the committee finds it to be common practice among the cities to enter into a contract for a stipulated period of time based on competitive bids. Then during the life of the contract (and frequently within a relatively short period of time) by negotiation, without further bids, the original contract is extended many years beyond its original expiration date, and the compensation to the contractor is substantially increased and other basic terms and conditions are amended.

To cite but one of many cases, the committee found that one city entered into a three-year contract as a result of competitive bids. Within six months the expiration date was extended (by negotiation) to six years Before this six-year period had elapsed the contract was extended an additional three years. Thus, an original three-year contract, awarded as a result of bids, became through negotiation without bids, a nine-year contract. In addition, on this same contract, which was awarded on the basis of a bid of $1,889 flat monthly reimbursement to the contractor, this rate increased through various amendments, also arrived at through negotiation without bids, to $5,180 per month. This represents an increase of 173 percent over the original $1,889. The committee found this to be not an isolated case. Testimony given and evidenced received was such that the evidence in the committee's possession relating to certain contract changes has been turned over to the District Attorney of Los Angeles County.

In addition to having the same problems connected with the household service, the collection of refuse from industrial and commercial premises is further complicated by the highly profitable salvage factor which is an end product of this service.

Again we find an absence of uniformity among the different governmental entities. Some cities grant an exclusive franchise to a single collector either with the rates fixed by the cities or by negotiation between the collector and the customer with a minimum amount of control by the local authorities. In other cities, there is "open competition" between collectors However, this latter system has opened the gates to other undesirable practices which will be touched on later in this report under the discussion of monopoly.

DISPOSAL OF RUBBISH

The disposal of rubbish became a serious problem when the Los Angeles County Board of Supervisors, because of the smog situation, found it necessary, in 1948, to outlaw burning dumps and confine the

disposal of nonsalvable rubbish to so-called "cut and fill" dumps. Operation of this type of dump entails a considerable investment in heavy equipment as well as in the real property necessary for a site. Coincidentally, a sharp increase in revenues to the dump operators resulted. A premium value was created on the securing of the zone variance and necessary permit to operate such a dump.

The conditions that were created because of this situation are also discussed in more detail later.

DISPOSAL OF GARBAGE

A major portion of the garbage collected is handled by a group of five operators This group has consolidated its activities in such a manner as to enable it to exercise a large degree of control over the collection and disposal of garbage in both the City and County of Los Angeles as well as control over hog ranching operations.

For example, a schedule showing all bids submitted for the currently operative contracts in the 14 garbage disposal districts administered by the Los Angeles County Health Department reveals that 9 of the 14 contracts are held by this group and an associate and, also, that no one of these operators bids against another of the group for any contract. Testimony also revealed that independents have been deterred from bidding on contracts in views of their limited market for disposing of the garbage collected and the control exercised over hog ranching by these same operators.

IMPROPER CONTRACTING PRACTICES

In the case of a number of cities in which the circumstances surrounding renegotiation proceedings were investigated, practices were uncovered which strongly indicated that relationships between the contractor and certain city officials were not only incompatible with the duties of these officials but inimical to the public interest.

Evidence was furnished to the committee in the case of one city that at about the time the city granted a contract to a new rubbish and garbage collector, this collector reportedly "loaned" the mayor approximately $2,500 which a short time later was written off as a "bad debt."

The mayor of another city while a candidate for another political office received a campaign contribution of $500 from the collector holding the contract with his city. Subsequent to the receipt of this contribution, the candidate filed a statement of campaign receipts and expenditures but the $500 contribution does not appear as such on the itemized list of 24 individual contributions None of these 24 contributions exceeds $25. There is one item in the amount of $1,445 designated merely as "others" which may or may not include the rubbish collectors' $500 contribution.

In another city investigated it was found that a new contractor received a contract at a figure considerably higher than that of the previous contractor. In addition, he was given a lease on the city-owned dump at a nominal rental of $100 per month. While his bid for the collection contract was the lowest of those submitted there is a question as to whether it would have been the lowest had all the other bidders known that they could secure this highly lucrative dump lease as an adjunct to their collection contract. In the light of other circum-

stances which will be hereinafter set forth, there is considerable doubt as to whether any of the other contractors could have secured this dump lease with the city.

This dump was operated for about six years as a burning dump in violation of the ordinance banning that type of "burning" dump. The city manager stated that the Air Pollution Control Board complained almost monthly about its operation but that he felt they did not take more drastic action because, in his opinion, "you couldn't arrest a city." However, the air pollution authorities did not know that the illegal dump burning was being conducted by private parties under a lease granted them by the city. In connection with this the city manager stated that he did not inform the authorities because "they didn't ask me" He also stated that while the dump had been municipally operated, private individuals were permitted to dump free of charge but that, after it was leased to the rubbish collector, fees were collected by the latter.

One of the "adjustments" made in the collector's contract wherein he was granted an increase in fees, was based on the possibility of having to collect large quantities of combustible rubbish because of a county ordinance banning backyard incinerators The increased rate went into effect immediately whereas the effective date of the ordinance had been set for some months later. There was even some doubt at that time that it would ever actually be put into effect. There is evidence in the committee files of a close personal relationship between the contractor and the city manager. It is reported that the contractor made a wedding gift of $200 to the city manager as well as paying most of the expenses of the wedding. This wedding took place approximately two weeks after the date of the collector's contract and about six weeks prior to the execution of the $100 per month lease on the burning dump. It is also reported that there was extensive entertaining of the city manager at resorts and night clubs by the contractor collector.

In still another city investigated we find not only a series of "negotiated" contract adjustments and changes but we again find an arrangement between the city and the rubbish collector whereby the city secures a highly lucrative "cut and fill" dump site for the benefit of the contractor through the exercise of its municipal powers and which under then existing municipal law the collector could not otherwise have operated. It would appear to have been more than ordinary coincidence that the collector contractor who so benefited was the same person who was the beneficiary of the "burning dump" lease in the city referred to immediately above. It should be further noted that the city manager of the "burning dump" city had been previously associated with the person who had been city manager of the "cut and fill" dump city mentioned above. The records in the committee's files show that during these "renegotiations" of contracts in the latter city, the contractor deeded two parcels of unimproved real property—one to a city official directly, and one to a relative of another city official. In one deed the consideration is set forth as "ten dollars," in the other, merely as "for a valuable consideration." The committee heard testimony as to valuable gifts having been made by the contractor to the mayor of the city. There was testimony as to a "loan" of $2,000 made

by the contractor to the mayor to be used toward the purchase of an automobile. The witness testified that when she made inquiry of the contractor as to whether the $2,000 was actually a loan, he replied, "No, we will just forget about it."

During this period, a new automobile was purchased by the city manager. Part of the funds used to complete this purchase was a check in the amount of $400 drawn on the bank account of the collector contractor.

The above data represents but a few of the cities in that area of the State. However, the pattern of "renegotiating" and "adjustments" found in the above cities was similar to that found in a number of other cities. It is not unreasonable to assume that had time and staff permitted, investigation would have revealed similar practices in these other areas.

CENTRAL ADMINISTRATION OF REFUSE PROGRAM

It is recommended that enabling state legislation be enacted authorizing the creation of a single administrative agency charged with the sole function of administering the program of the collection and disposal of rubbish and garbage within a county and without reference to local political boundaries.

In Los Angeles County, there are presently two agencies which either have been exercising or are authorized to exercise jurisdiction, through a centralized administration, over the collection and disposal programs in limited areas and to a limited extent.

LOS ANGELES COUNTY GARBAGE DISPOSAL DISTRICTS

One of these programs concerns itself with the collection of garbage and rubbish in the 14 so-called "Garbage Disposal Districts." These districts comprise 14 heavily populated but unincorporated areas throughout the county. The collection is performed by private collectors under contract in each district. This program is administered by the Section of Garbage and Rubbish Disposal of the Los Angeles County Health Department. This section does not concern itself with the disposal phase of the program and evidence before the committee would indicate that its supervision over even the collection phase of the program is not close.

In the case of one of the 14 districts, the section recommended the rejection of the lowest bid submitted for the contract and awarded it to the next highest bidder on the ground that the lowest bid was submitted by a "nonresponsible bidder." (Transcript, page 112, May 8, 1956.) For more than two years, subsequent to the rejection of the lowest bid, the collection function has actually been performed by the so-called "nonresponsible bidder" while the successful "next highest bidder," by his own testimony, merely collected the payment each month from the county, deducted $500 from the county payment and transmitted the balance to others for performing under the contract. The Director of the Bureau of Sanitation of the Los Angeles County Health Department apparently learned of the above situation for the first time when he appeared and testified before the committee. He was told the

above facts and was asked (Transcript, page 113, lines 15, 16, May 8, 1956):

Q. Did you know that?
A. No, sir, I had no knowledge of that.

He was further questioned (Transcript, page 112, lines 13-17, May 8, 1956):

Q. Can you recall from memory what conclusion you can make as to the degree of operation by the "nonresponsible bidder" say, good, fair, bad, perfect?
A. I would say that the service was satisfactory and was meeting the specifications.

The background of this bizarre situation is as follows. During 1953, a "taxpayer's" suit was filed challenging the legality of one of the 14 garbage and rubbish collection contracts then in effect on the grounds that it did not contain a "prevailing wage" clause as required by law It was mutually agreed that should this action be sustained all 14 contracts would be canceled as of December 31, 1953, and new bids solicited The action was successful and the contracts were put out for bid One witness before the committee who had not theretofore had a district contract but who secured one through the new bids, testified that he contributed several thousand dollars toward the expenses of prosecuting the suit. He could not "recall" who the other contributors were.

Previously in this report it has been noted that a combination of garbage collectors and hog raisers exercise effective control over the garbage collection activity through their control of hog raising. This combination is commonly called the "Big Five " The net result of this "taxpayer's" suit and the resultant awarding of 14 new contracts was that, whereas, prior to December 31, 1953, members of the "Big Five" had five of the 14 contracts, under the new contracts "Big Five" members and an associate had nine collection contracts It is significant to note that no member of the "Big Five" bid against any other member on any of the 14 contracts.

T. D. Hamlin, the successful bidder on the Downey district contract, testified before the committee that this contract operation was actually handled by Andrew V. Hohn. He stated that he received the actual warrant from Los Angeles County in the amount of $6,100 monthly; that he withheld $500 per month for himself and turned over the balance to Hohn; that he performed no services for this $500 per month other than to post the $5,000 performance bond; that the county authorities had no knowledge of this arrangement. This was corroborated by the testimony of the Director of the Bureau of Sanitation of the Los Angeles County Health Department

Hamlin testified that he was forced into this arrangement through the fear that if he did not agree he would be unable to dispose of his garbage in the Los Angeles area and would be forced to haul it long distances at considerable extra cost. He was asked:

Q Did you ever call that to the attention of any of the inspectors, or anybody from the health department division charged with the operation of those garbage disposal contracts?

A. I don't know how that would have helped. The only thing that I ever said was to Mr. Haured (health department official) that I thought a man was foolish to bid on a county garbage disposal district (contract) unless he had both a dump and a hog ranch.

When the bids on this Downey district contract were opened, Hamlin's bid of $6,100 per month was not the low bid. The low bidder was C. D. Pratty at $5,500 per month. His bid was rejected on the ground that his company was "not a responsible bidder." Testimony before the committee established that, while the arrangement as between Hamilin and Hohn was as set forth above, the actual operation of the contract was performed by Pratty—the "nonresponsible bidder"—for Hohn under Pratty's direction and with his equipment.

Thus for all practical purposes, this Downey contract was under the control of a member of the "Big Five" thus actually giving them 10 of the 14 district contracts.

LOS ANGELES COUNTY SANITATION DISTRICTS

The county sanitation districts of Los Angeles County serve a population of approximately 2,700,000, primarily for sewerage service. According to the testimony of Mr A M Rawn, Chief Engineer and General Manager of the County Sanitation Districts, they are contemplating entering into the rubbish program within their districts but confining their activity solely to transfer and disposal of refuse. This would leave the collection function with the county garbage disposal districts and with the individual incorporated cities which presently perform the function. Mr. Rawn testified that some of the presently operating 18 districts have been assessing taxes for the purpose of acquiring "cut and fill" dump sites strategically located throughout the county. The primary function of these districts is the operation of sewage disposal facilities. They include both incorporated cities and unincorporated areas within the boundaries of individual districts. This proposed plan for the acquisition of rubbish dump sites by the Los Angeles County Sanitation Districts is to be administered by the board of directors of the sanitation districts

Based on the testimony of witnesses and on the evidence gathered, the committee finds that the function of rubbish and garbage collection and the program for its disposal are perforce inseparable The committee further finds that in densely populated areas such as Los Angeles County with 84 separate governmental entities concerned with the refuse problem (52 cities and the county with 14 garbage and 18 sanitary districts) the problems attendant on the disposal phases of the program cannot be resolved by the separate cities or the county operating as individual units

On September 28, 1955, A. M. Rawn appeared and testified before the committee On September 14, 1955, two weeks prior, he had submitted a "planned refuse disposal" report to the Board of Directors of the Los Angeles County Sanitation Districts.

On page 6, Part II, Chapter 1, the report states:

> The collection of refuse and its disposal are generally treated as separate phases of a single operation. *Considering them as com-*

pletely separate operations could easily give rise to the erroneous conclusion that collection and disposal were independent operations. Such a conclusion is not valid and must be guarded against since disposal methods can influence collection methods and, conversely, collection methods exert strong influence on disposal methods. (Emphasis added.)

The report comments further:

> This report is a plan for district-wide transfer and disposal of refuse in Los Angeles County. It does not concern itself with the collection of rubbish except where refuse collection affects ultimate disposal. *It is not possible to analyze procedures for refuse disposal without necessarily dealing with the methods and economics of refuse collection.* (Emphasis added)

The plan proposed in the "Rawn" report provides for an eventual measure of centralization in the rubbish disposal phase while leaving the collection part completely decentralized. However, there is no apparent plan for changing the status quo in the garbage field in either collection or disposal. Neither the collection nor the disposal of garbage is centralized or is it proposed to be centralized. Evidence of a monopoly on garbage is set forth elsewhere in this report together with the potential effect on the cost of collection from the householder and the effect of the monopoly on the hog raising industry and the eventual price to the general public

A copy of an opinion of the Legislative Counsel analyzing presently existing state law regulating the collection and disposal of refuse, is attached hereto as Appendix I. This opinion tends to explain the reason for the diversity of administrative agencies which currently have some responsibility in the problem of refuse collection and disposal. It also serves to confirm the committee's opinion that enabling legislation to permit the centralization of administrative responsibility is desirable.

ATTEMPTS TO CONTROL COLLECTION AND DISPOSAL OF REFUSE FOR PRIVATE GAIN

According to the Office of the Los Angeles County Engineer, the total revenue involved in the collection and disposal of garbage and rubbish in Los Angeles County amounts to approximately $51,000,000 annually.

Evidence was submitted to the committee of the existence of monopolies and of attempts to form monopolistic combinations in various phases of the program These practices exist in both the collection and the disposal operation. One of the more prevalent types has been to form an association among owner-operators of collection routes controlled by one man or a small group of men who would formulate the association's rules. The next step was an understanding between the controlling power of the association and the Teamsters' Union official whose local had jurisdiction over the rank and file of owner-operators Out of this understanding would come the weapons and the means of enforcing these association rules

Another monopolistic move was an attempt to bring together two "cut and fill" dump operators and this same Teamsters' Union official for the purpose of ultimately controlling the dumping phase of the

rubbish industry through the dump facilities owned by the two operators combined with the powers of the union official over the individual rubbish collectors, most of whom were members of his local.

Another attempt was made to secure for three rubbish collectors exclusive contracts for all collections within the City of Los Angeles as well as in the balance of the county territory. This was to have been accomplished through substantial fees proposed to have been paid to a person identified by two witnesses and who was supposed to know the "right people" and to be able to consummate such exclusive contracts.

THE BIG FIVE

As set forth above, evidence was submitted to the committee that a major portion of the garbage collection and disposal operation was under the control of a group of five operators who had formed a corporation known as the Halko-Farms Inc. These five operators were also known as "The Big Five."

One of the end results of this coalition was to limit the market for garbage, as hog feed, to independent collectors in the metropolitan area of Los Angeles There was testimony that the garbage could not even be given away. One collector testified that he was forced to haul it to San Diego where he received $4.50 per ton—the market price in that area.

There was much testimony given before the committee to substantiate that such a situation does, in fact, exist. One example of such testimony was in the case of the City of Maywood which, in 1954, advertised for bids to collect their rubbish and garbage. There were seven bidders. The highest bid was submitted by Andrew V. Hohn, a member of the "Big Five." This bid was $3,570 per month. The lowest bid was by Pacific Waste Disposal Co. at $1,950 per month. The latter firm was awarded the bid. Mayor Ben Lang of Maywood testified as to what then happened.

Between August 24th, the date that the contract was awarded, and October 1st, the effective date, "they ran into difficulty in their disposal of garbage." Mayor Lang testified that he attempted to assist the contractor with his problem. He testified (page 230, line 4, et seq; 9-30-55):

> We visited several hog ranchers and they seemed a little bit interested but very shortly they'd tell us * * * they didn't want the wrath of the "Big Five" on them * * * Nobody wanted our garbage in Los Angeles County. * * * We left Los Angeles and went to Riverside County. * * * This particular place is 85 miles from Maywood, about 85. The garbage was—— the boys started hauling the garbage there; it's still being hauled there * * * between August 24th and October 1st * * * after the (city council) meeting was abjourned * * * I walked over to Mr. Hohn and shook his hand and I said, "Mr. Hohn, you seem to be a man that's a fly in our ointment around here" * * * and he told me he sure as hell was; he went further than that. He said those two Armenian so-and-so's, if they get the first two loads of garbage on, but they will not get them off; they will eat them. "I just know that the City of Maywood and the City of Bell is going to start paying more for their garbage pickup and their rubbish.

They have been too cheap for too long." I said, "Mr. Hohn, these two boys is happy with the price they have bid." He said, "I am going to see that Maywood and Bell both bring up their prices." * * * I said, "Mr. Hohn, maybe you might be asking for a county grand jury investigation or maybe the district attorney's office might be a good place for me to go " He scoffed and laughed and said, "That's already been tried."

A little later in Mayor Lang's testimony, he was asked if the contractor's trucks were stopped from dumping their rubbish at a dump operated by Ben Kazarian, who also operates a hog ranch and buys garbage from the "Big Five." His testimony on this point was:

Chairman Brown: What trouble, if any, did you have with him (Kazarian) in the stoppage of these rubbish trucks?

Mr. Lang: On the fourth or fifth day of the commencing of the contract * * * two of these loaded (rubbish) trucks was refused dumpage and sent back to Maywood loaded. I called Mr. Kazarian on the phone * * * I asked him why the trucks was sent back loaded, why they were not accepted. * * * He says, "Send the trucks back, but I want to see you " I says, "When?" He says, "At my yard dump, in the morning at 11 o'clock." I went there the next morning and met the man and right away he tells me what a terrible jam he is in, that he was refused his garbage. I believe he used the word "Big Five cut him off."

Chairman Brown: Who used the words "Big Five?"

Mr. Lang: I believe he used the words "Big Five." Mr. Kazarian used the words "cut him off" from his garbage.

Assemblyman Bradley questioned Mayor Lang as follows (page 247, line 13, et seq., 9-30-55):

Mr Bradley: Were you or any member of your city government given any warning after the council had awarded this bid to the low bidder that Pacific Waste Disposal Company. * * * was not able to find a dump in which to dispose of this rubbish? Is there anything else that came to you or members of your council, indicating that this association ("Big Five") was interfering or was going to interfere with this Pacific Disposal Company?

Mr. Lang: No, I think it first came to our attention when Mr. Gevorkian came back and said he just couldn't get rid of the garbage in Los Angeles County. I think that was the first warning we had.

(Page 243, line 13, et seq., 9-30-55.)

Mr Bradley: You don't have any area in your city that could be used for the operation of a municipal dump of any kind, is that it?

Mr. Lang: We don't have a vacant property big enough for us to build a house on; 60 parking lots is all we have.

Mr. Bradley: In other words, you are entirely dependent upon a contractor who can dispose of this garbage and rubbish outside the city limits of Maywood?

Mr Lang Right

GLENDALE COLLECTION CONTRACT

Another incident in connection with this question of the ability to dispose of garbage in Los Angeles County and its effect on the cost to the ultimate consumer was brought out in the testimony of Frank A. Hynum of Chula Vista, California. Mr. Hynum has been the operator of a garbage and collection business in San Diego County for the past 13 years, holding contracts with the Cities of Chula Vista, National City and San Diego.

In December of 1955, he bid on the collection contract for the City of Glendale He was the low bidder. Subsequent to the opening of the bids and prior to his low bid being awarded the contract, he testified that he received a phone call from a person at present unidentified. His testimony is as follows (page 75, line 1, et seq., 5-9-56):

> Q * * * Now, did you receive a call from somebody in the hog ranching business, * * * ?
>
> A. Yes, I did.
>
> Q The previous contractor had been the Trio Feeding Company, had it not, in Glendale?
>
> A Yes
>
> Q. Will you tell the committee in substance what the conversation was with this party who had called?
>
> A He asked me not to go through with the contract with Glendale, that everything was arranged in this area, and I had no business butting in * * *
>
> Q. What did he say about the disposal of the garbage?
>
> A. First of all he told me not to take the bid, he didn't want me to take it, he wanted the Trio people to have it again and he told me that I couldn't dispose of the garbage in this area. * * *
>
> Q. Now, if you cannot dispose of it here in the Los Angeles area, you, of course, would have to ship to some other area to dispose of it, and do I understand you correctly that you told me that the market at the present time was approximately $4.50 a ton in San Diego?
>
> A. Yes.
>
> Q And you could contract, or I believe you have contracted to sell it there at that price and that you do not know exactly at this time how much it is going to cost you per ton to haul it and will not know, of course, until after you have been in operation for a little while, and that you are hoping that it won't cost more than $4.50 a ton, and also, you said that if it did cost more than $4.50 per ton you would have a cost factor in the operation of your contract that you did not anticipate when you made the bid to the City of Glendale. Is that correct?
>
> A. That is right. There is a market for it in San Diego.
>
> Q. Well, now, supposing if that same situation—this is hypothetical—if that same situation exists at the expiration of your Glendale contract and you would bid again on that contract, you would have to add a cost factor of your experience in the extra costs of hauling it to San Diego, would you not?
>
> A. Yes, if it cost me more to haul it than I can get out of it, *I will have to add that if I bid again.* (Emphasis added.)

ASSOCIATION UNION COOPERATION

The committee found that these practices, prevalent in the rubbish and garbage collection and disposal programs in Los Angeles County, are a part of monopolistic arrangements that are for the benefit of a few and operate to the disadvantage of householders and industrial and commercial establishments.

While testimony before the committee indicated that the attempts to create monopolies were made in a somewhat different manner in different areas and phases of the over-all program, the means to achieve success in each was dependent on a mutual understanding between certain persons from the field of management and persons from the field of labor.

One such operation had to do with an indicated alliance between the Secretary-Treasurer of Local No. 396, Teamsters' Union, A. F. of L. together with several of his business agents, and officials of certain industry associations.

At the time of the committee's study, there were reported to be six separate associations in Los Angeles County. For the purposes of this phase of the report, the committee is primarily concerned with but two of these six—the State Rubbish Collectors' Association and the San Fernando Valley Rubbish Association. The membership of the former association is composed entirely of collectors servicing industrial and commercial accounts while the membership of the latter group handle household collections although some industrial and commercial accounts are handled by a few of the members.

Prior to the hearings held by the committee, allegations had been made that the powers of the union local had been used by the State Rubbish Collectors' Association to enforce certain rules of the association and make them applicable to nonmembers as well as members of the association. The weapon employed was to force the dump operator to refuse the "offending" collector permission to dump his rubbish under the threat of placing a picket line at the dump. It is apparent that a rubbish collector who has filled his truck and can find no legal dump into which he can empty it cannot carry out his business.

The association rule most often enforced by the above method was that which prohibited a collector from taking a customer—or "stop"—away from another collector even though the customer or establishment desired to make such a change. This enforcement policy applied equally to association members and nonmembers.

The enforcement procedure followed was for the union, at the request of the association, to transmit lists containing the names of collectors offending the above rule, to the various dumps with orders to forbid dumping privileges to the collectors listed thereon. These lists were popularly known as "hot sheets."

In order to resolve the truth or falsity of the above allegations, the committee subpenaed Frank J. Matula, Secretary-Treasurer of Local No. 396, Teamsters' Union A. F. of L. who had been the alleged spearhead of this enforcement program.

Mr. Matula was examined at considerable length. His testimony covers 96 pages of transcript. The substance of his testimony was that he had never on any occasion acted in labor-management relations other than in the accepted functions of a union official—to negotiate or work

for better wages and better hours or for more advantageous working conditions. He was emphatic in denying ever having used his office or the powers of his union in assisting to enforce management agreements as exemplified in the rules of the respective rubbish collectors' trade associations existing throughout Los Angeles County.

He was examined specifically regarding any possible policing of the industry he might have done for the associations in enforcing their by-laws or rules. Following are a few excerpts from his testimony:

Page 389, lines 15 to 18 (1955)

A But we have a contract with most of the associations and I might add that the contract is *strictly* for *wages, hours and conditions of employment* for our members, and that's all. (Emphasis added.)

The witness was read a portion of an affidavit filed by Ben Kazarian in connection with a lawsuit in which the witness was a defendant.

Q. * * * At said meeting, the said Louis Visco informed the affiant that the union was doing a policing job for the combination. Do you recall reading this in Mr. Kazarian's affidavit?

A. Yes, and I thought it was the biggest joke I ever heard.

The next statement by the witness on this subject is found on page 400, lines 19-21 (1955):

A *We don't have anything else to do but collect wages, hours and conditions for our people that we represent* and we have did a fine job doing it. * * * (Emphasis added.)

The next statement is on page 402, lines 3 to 6 (1955):

A. * * * The only business I have with them is right down to that basic principle of wages, hours and conditions for the people that we have in our membership.

Page 404, lines 13 to 19 (1955):

Q. * * * *the union was doing a policing job* * * * *would you say that* (statement) *was false?*

A. *I would say that was exactly false. We never did a policing job for any Louis Visco, Ben Kazarian, or anybody else, and we are never going to.* (Emphasis added.)

The witness' next statement on this subject becomes even more emphatic and specific:

Page 405, lines 17 to 26; page 406, lines 1 to 5 (1955):

Q. Mr. Matula, under your contract of Local No. 396 with the State Rubbish Association and the contract with the San Fernando Valley Rubbish Association, is there any provision in that, in either of these contracts, that provide for the union policing or helping to enforce the by-laws of either of those associations or both?

A. No, sir, * * * we don't intend to police the association business * * * we don't police them * * * we do not absolutely * * * we are not interested in the association rules.

The witness was then asked if he had ever notified a dump to stop a member of his local in good standing from dumping. His answer, in part:

> A. I don't recall of ever doing that If I did, he'd raise a lot of hell, I'll tell you that * * * We are not interested—again, let me explain that to you we are not interested in the association problems * * * The only thing I am interested in is wages, hours and conditions for our peaple * * *.

In connection with the so-called "hot sheets" or lists containing names of collectors who were to be barred from the dumps, the witness denied any knowledge of the existence of such lists or of having been instrumental in sending such lists to the dumps.

Yet, Peter Edward Peterman testified before the committee that he had been a business agent of Local No. 396 for nine years; that "not once or twice, but numerous times" he was ordered by Matula to take to the dumps lists of names of collectors who were to be barred from dumping; that these lists contained names of collectors who were members of their union local as well as nonunion collectors; that the reason they were being barred was because they had violated association rules; that on many occasions he had been accompanied by John Andikian, Inspector for the State Rubbish Collectors' Association; that on two occasions he had placed picket lines once at the Blanchard Street Dump operated by Ben Kazarian; and once at the Los Angeles By-products Dump in the San Fernando Valley; that on neither occasion was there any labor dispute involved but that in each case, the picket line had been placed because the dump operator had permitted a collector, who had violated an association rule, to dump his rubbish.

He further testified that, at the time he placed the picket line at the Kazarian dump, there were three employees of the dump, all of whom were paid up members of Local No 396 in good standing and had been at all times; that none of the three had ever made a complaint to him as to hours, wages or working conditions. He was then asked:

> Q. To your knowledge, had any one of those three ever made a similar complaint at the Headquarters of Local No. 396?
> A. They didn't even know where 396 was.

At this same time, he was shown a document listing 14 typed names plus the handwritten name "F. J. Matula." The heading on the document read "Take no money from the following rubbish men." He identified this document as a list of rubbish collectors, all members of Local No. 396, and as having been handed to him by Matula with instructions to take no more union dues from them because they had violated association rules. This last incident is of interest in the light of Matula's sworn testimony (page 472, lines 18-26; page 473, lines 1-5; 1955) as follows:

> Q. And have you ever denied any union membership to anyone until after they had joined the association * * *.
> A. We——
> Q. No——
> A. Excuse me.
> Q. Let me finish.

A. *I have never denied anybody union membership that worked on a truck.* (Emphasis added.)

In the committee files are 14 separate documents identified as containing lists of rubbish collectors, mostly members of Local No. 396 in good standing who were barred from dumping rubbish because of infractions of association rules. These are the so-called "hot sheets" of which Matula denied any knowledge. There is sworn testimony of several witnesses that these lists were prepared at Matula's direction and, on his orders, given to the union business agents for distribution to the dumps.

The committee heard testimony from a number of witnesses and the files contain signed statements from many other rubbish collectors all of which testimony is in direct conflict with the testimony of Matula as set forth above.

In order to evaluate the conflicting testimony, one portion of the witness Peterman's testimony must be examined (page 35, line 4, to page 37, line 5, 1956).

In this testimony the witness describes a visit he made to the home of John Stevenson, legal advisor to the Teamsters' Union, accompanied by Mrs. Peterman and the witness Matula. The meeting took place on the evening of October 4, 1955, the day before he was to testify before the Legislative Committee. According to the witness, the purpose of the meeting was to discuss his testimony on the following day. He states that the attorney advised him not to perjure himself; that he told Matula, "Frank, I am going to tell them the truth," and that Matula admonished him to "be careful what you tell them."

He further testifies as follows (page 36, line 11 to page 37, line 5):

Q. And Mr. Matula told you to be careful what you told the Legislative Committee?

A. He said, be careful what I told them and not to tell them too much, yes.

Q Did he make any specific recommendation as to what you should or should not tell them?

A. Well, he indicated that all we run out of the dumps were nonunion men and there has been 300 union men that I know that I run out, personally, myself. So, I couldn't testify that it was only nonunion men.

Q. You say he indicated. Did he specifically, in any words, tell you not to testify that you ran * * *.

A. He said it this way. He says. "We are clean. All we ever run out of the dumps were nonunion men." I says, "Well, Frank, if I say that, I can get 100 men to come up there and say that my book was paid up," which is the truth. I says, "I run out a lot of union men, and you know it."

Q. What did he say to that?

A. Just a shrug of the shoulders and, "be careful of what you say."

Despite this meeting at the home of the union's attorney and despite the admonition by Matula as to his testimony before the committee, Peterman did appear before the committee on October 5, 1955, and testify under oath as to Matula's activities as is hereinabove set forth.

The following day, on October 6, 1955, Peterman was summarily dismissed by Matula from his position as business agent of Local No. 396.

On January 20, 1956, the committee turned over to the District Attorney of Los Angeles County all the evidence in its files pertinent to the testimony of Matula and one of his business agents, Philip Watler. On June 7, 1956, both the witness Matula and the witness Watler were indicted by the Los Angeles County Grand Jury for perjury allegedly committed before the legislative committee

Subsequently in the proceedings to bring these defendants to trial, an appeal was taken by them to the district court of appeal on the order of the Superior Court of Los Angeles County overruling their demurrers to the sufficiency of the indictments. This appeal raised the question of the materiality of the testimony elicited by the committee to the authority of the committee as expressed in the resolution creating it. The district court of appeal has given its opinion sustaining the order of the lower court.

Inasmuch as that opinion has significance and interest to other Members of the Legislature who may be confronted with a similar situation in the course of interim committee activity, a copy of the opinion is appended hereto as Appendix II.

UNION OFFICIAL GIFTS

Information was given the committee that several officials of Local No 396 of the Teamsters' Union were the recipients of money gifts from the Halko-Farms, Inc., on a number of occasions This information was furnished the committee by a corporate officer of Halko-Farms, Inc., who stated that corporation checks were drawn and issued in making these gifts.

On April 11, 1956, the committee issued a subpena duces tecum on the Halko-Farms, Inc., and served it on George Kardashian, an officer of the corporation identified as having custody of the corporate records. These corporate records were to include all canceled checks of the corporation in order that the allegations of the above-mentioned gifts might be corroborated. On May 7, 1956, Kardashian appeared before the committee in response to the subpena but, on advice of counsel refused to produce the records.

LABOR-MANAGEMENT COMBINE

As has been shown above, collaboration between a local of the Teamsters' Union and a group of persons had led to an apparent degree of control over the rubbish and garbage collection and disposal industry. Apparently the success of this operation inspired the belief that greater control could be secured. Disposal—the most strategic and vulnerable phase of the program was made the focal point of this proposed extension of control.

As has been set forth previously in this report, control of "cut and fill" rubbish dumps could eliminate any nonconforming rubbish collector. Likewise, garbage collection control could place a stranglehold on hog raising in the area Control over rubbish disposal could, in many cases, affect the supply of garbage essential to hog ranching because in many cities, as well as in garbage disposal districts, the collection of rubbish and garbage is combined inseparably in a single contract.

However, such a potential monopoly on rubbish disposal dumps could spread into a number of related fields. It would give the parties to such a monopoly power over a large segment of the industries dependent on salvable cans and bottles, the building wreckage business and even over the vast paper mills operating in the Los Angeles area.

The question naturally arises—is such an extension of control toward a monopoly possible in that area and was there actually any movement toward such a goal? Testimony given before the committee and evidence in the committee files indicate that such a program was actually discussed and urged. Three meetings were held in the City of Los Angeles in an effort to further that objective. On June 1, 1954, a meeting was held at the Admiral Mills Supply Company. Present at this meeting were Louis Visco and Ben Kazarian, each the owner and operator of several "cut and fill dumps," and James O'Conner, an associate of Kazarian. Several evenings later, there was a meeting between Louis Visco and James O'Conner at the latter's home.

On the afternoon of June 18, 1954, there was a meeting between Ben Kazarian, Louis Visco, James O'Conner, and Frank Matula in Matula's private office at the headquarters of Local No. 396, Teamsters' Union, A. F. of L., 846 South Union Avenue, Los Angeles.

The first two meetings were for the purpose of ironing out differences between Kazarian and Visco in order to induce Kazarian "to agree to enter into a conspiracy. The affiant (Kazarian) was invited to attend a meeting with Louis Visco on June 1, 1954, at which time the aforesaid Louis Visco attempted to induce the affiant to enter into a partnership in combination with him as part of the conspiracy to obtain control of the rubbish collection and disposal business in Los Angeles County in cooperation with the Teamsters' Union, Local No. 396, to the end of controlling prices and to eliminate competition." (Transcript page 774, line 26, to page 775, line 10.)

As to the third meeting on June 18, 1954, Kazarian testified (page 775, lines 19 to 25):

> "On June 18, 1954, affiant (Kazarian) was present at a meeting in the office of Frank Matula * * * at which time the aforesaid Louis Visco was also present, and further attempts were * * * to induce the affiant (Kazarian) to enter into an illegal combination with them (Visco and Matula) * * * ."

Kazarian further testified as to the June 18th meeting (page 792, line 19, to page 793, line 24):

> A. "Mr. Matula called that meeting * * * , I am pretty sure, and I got there maybe a minute or two before Mr. Visco got there."
>
> Q. "And what was the purpose of that meeting * * * when Mr. Matula called you for the meeting, what did he tell you he wanted you to come down for?"
>
> A. "When Mr. Matula calls you, he don't tell you what to come down for. He says, 'Come on up, I want to see you'."
>
> Q. "That was the gist of his conversation?"
>
> A. "That's right."

Q. "Did you inquire why?"
A. "You don't inquire with Mr. Matula."
Q. "Then Mr. Visco arrived and what were the subjects discussed after Mr. Visco arrived?"
A. "The subject was for Louis Visco and I to get together, work together."
Q. "What there any discussion at Mr. Matula's office at that meeting June 18, 1954, regarding your entering into a union agreement?"
A. "No, sir."

The following are actual recorded statements made by participants present at the June 6, 1954, meeting held at Admiral Mill Supply Company. These quotations give some indication of the true intent of the three meetings above referred to.

At the very outset of the meeting, Louis Visco stated to Kazarian and O'Conner:

Visco: You know, one thing I was just thinking of on the way down here—I said, "Now, if anybody knew that we met here today, you know, the g__ d____ stories would get started, you know."
O'Conner: That would really punch it up, Louis.

A little later in the conversation Kazarian addressed Visco:

Kazarian: * * * Let's say now * * * let's say that we come to an understanding. We've bought you off.
Visco: Yah.
Kazarian: We're no longer in the dumping business. What the hell would prevent you or Matula to go out here and start pushing me around?
Visco: Who would stop us?
Kazarian: Yah.
Visco: It would be wrong and we wouldn't do it.
Kazarian: Any time * * * you see, I know. Look, Louis, you're not kidding any. You know where * * * I know what * * * where your power is! You're just like this. You know these two fingers together. You're just like that with Frank Matula. You're not kidding me.

After further discussion at this same meeting and near its close, Visco said to Kazarian:

Visco: You never know, Ben. If we get together here, maybe a lot of things will happen.

As has been set forth previously in this report, a monopolistic control over rubbish disposal "cut and fill" dumps, or even a lesser degree of control, could have a considerable impact on other related industries. Such control could affect industries dependent on salvable bottles and cans. It could affect both the building construction and building wreckage businesses which must have sites at which to dispose of the rubble. It could have an effect on the construction costs of highways. "Cut and fill" dumps are a source of supply for dirt fills essential in freeway construction.

EXCLUSIVE CONTRACT AGREEMENT

Testimony was heard relative to a plan that was formulated which, had it been effectuated, would have resulted in exclusive contracts for the collection and disposal of combustible and noncombustible rubbish both in the City of Los Angeles and in county territory lying outside of the city.

The story of this as brought out in the testimony of Andrew V. Hohn and Ben Kazarian was, in substance, that one Floyd Crutchfield brought them together with an attorney, Prentiss Moore, at separate meetings. It was proposed at these meetings that they form a three partner company—Hohn, Kazarian and San Pedro Commercial Company—to handle these contracts. It was represented to Hohn and Kazarian that Prentiss Moore had the "connections" necessary to secure these contracts—or, as Hohn testified, "He could open legislative doors."

A letter agreement was drawn up and the copy received by Hohn was identified by him and introduced into evidence.

The significant portions of this letter follow:

> The undersigned as joint venturers or through a corporation to be formed, agree to pay you (Prentiss Moore) for *legal and legislative services* rendered or to be rendered, a contingent *fee equal to* the amount of *three (3¢) per month per meter* on any contract * * * for the removal of combustible rubbish or other designated debris within the City of Los Angeles * * * or from the County of Los Angeles * * * with payment of three (3¢) per month per meter * * * throughout the duration of the contract *or any successful renewals thereof.* (Emphasis added.)

The three cents per month per meter has been estimated to amount to a payment to the attorney of *$38,426 per month* or, on a 10-year contract, $4,611,120.

It would seem obvious that the actual legal services required to handle the bidding and execution of such a contract would not justify a legal fee of more than a small fraction of the amount quoted above. However, there was no testimony before the committee as to what proportion of these services would be "legal" and what proportion "legislative."

QUESTIONABLE ASSOCIATIONS OF PERSONS INTERESTED IN THE RUBBISH INDUSTRY

The committee heard evidence of attempts by persons of questionable backgrounds to "muscle" in on lucrative dump operations and of their apparent connections with public officials. One prominent dump operator testified to having been introduced by his attorney to one Raymond Charles Christl, also known as "Whitey" Christl. Christl has been identified as an ex-bookmaker who had, at least, a "telephoning" acquaintance with a number of public officials and their representatives.

This dump operator testified that, at a subsequent meeting with Christl at the latter's restaurant and bar, Christl offered him $40,000 for a half-interest in a dump operation whose assets totaled $350,000. He turned down this "offer," he testified, despite the fact that several days after the offer was made, he had been contacted by three men,

strangers to him, who said, "Your name is Ben Kazarian and you'd better go through with the deal you are working on or it won't be good for you. We take care of people such as you." He further testified that, on the occasion he was introduced to Christl by his attorney, Maynard P. Henry in the latter's office, he inquired, "Who is the man?" His attorney simply replied, "He is a nice fellow."

Christl approached another dump operator who was negotiating the purchase of a new dump site. This dump operator was introduced to Christl by the same attorney who figured in the other proposed purchase described above. However, in this case, there was no $40,000 mentioned. It was testified that, instead, Christl suggested that he be given an interest in the dump operation in return for rendering the service of securing a permit to operate the dump through official "connections" that he enjoyed. When it developed that this "interest" would be a half interest, his "offer" was rejected. Christl hinted that, conversely, if he had no partnership interest, the permit might be denied.

From the record there could be some substance to his influence on the granting or denying of dump permits. The records show that he phoned a member of the Los Angeles County Board of Supervisors eight times in a four-week period. These calls were made to the nonpublished phone number at the supervisors' residence. He made four calls in two weeks to the residence of the field representative of another member of the board of supervisors. He made five calls in a three-week period to the residence of a field representative of another supervisor. He made 12 calls in a three-week period to the residence of the then mayor of Culver City. He was subpenaed to appear on February 28, 1956, as a witness before the committee. When that hearing was postponed due to the imminence of the legislative session, a new subpena was issued. Despite a thorough and diligent search, he was never located to make service on him.

PAPER INDUSTRY'S DEPENDENCE ON COLLECTION

One witness before the committee pointed out how necessary a continuous flow of salvable waste paper is to the huge paper mills operating in Southern California. He estimated their consumption of this item to be approximately 30,000 tons per month picked up by rubbish collectors in the area and that this tonnage represents a very large percentage of the raw material that goes into their product. He further stated that if the local source of supply were cut off, the mills "would operate at a tremendous loss (if at all)." The cost of the mills of this waste paper stock ranged at the time he testified from $13 to $19 per ton depending on grade. Should this local supply be cut off from the mills, they would be forced to ship from the middle west and the east. The freight charges incurred would be $26 per ton additional.

These negotiations and proposals for agreements between powerful interests in the refuse business did not go beyond the point of discussion so far as is known to the committee; partly because of a failure to secure agreement among the parties themselves and partly because of the publicity given these schemes by the committee's investigation and hearings. We are also informed that the alliance between associations and the Teamster's Union to enforce association rules has not been operative since the committee commenced its investigation.

However, it must be pointed out that the ending of these particular threats at this time is not a permanent solution to the problems which originally caused the committee's investigation to be conducted. The present system of collection and disposal of refuse is in itself favorable to the growth of these activities. It is for this reason that the committee is recommending that the governmental jurisdictions concerned seek a solution through the adoption of the administrative recommendations contained in this report.

APPENDIX I

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL

Sacramento, California, October 31, 1956

MR. A. ALAN POST
Legislative Auditor
State Capitol, Sacramento, California

Collection and Disposal of Rubbish and Garbage—# 3234

DEAR MR. POST: Enclosed is our analysis of existing legislation relating to the collection and disposal of rubbish and garbage.

Also enclosed is our opinion as to the applicability of the Cartwright Act and other similar laws relating to monopoly and unfair trade practices to arrangements between a city or county and private persons or firms concerning the collection and disposal of rubbish and garbage.

Very truly yours,

RALPH N. KLEPS
Legislative Counsel
By EDWARD K. PURCELL
Deputy

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL

Sacramento, California, October 31, 1956

MR A. ALAN POST
Legislative Auditor
State Capitol, Sacramento, California

Collection and Disposal of Rubbish and Garbage—# 3234

DEAR MR. POST: You state that you are in the process of preparing a report for the Assembly Interim Committee on Governmental Efficiency and Economy relating to the collection and disposal of rubbish and garbage, and you have requested an analysis of existing legislation on that subject, with particular emphasis on legislation respecting the authority of the State to regulate or administer the function either through special districts or general purpose governments.

Generally speaking, the regulation and control of rubbish and garbage collection has been placed by the State Constitution and applicable statutes under the control of local governmental authorities.

Section 11 of Article XI of the Constitution vests in counties and cities the power to "make and enforce within its limits all such local, police, sanitary and other regulations as are not in conflict with general laws." This provision has been held to vest in cities broad authority over the subject of the removal and disposition of garbage and rubbish. Municipal ordinances giving a city the exclusive right to gather and collect garbage within the city have been held valid as resting upon the police power conferred by the constitutional provision (*In re Zhizhuzza* (1905), 147 Cal. 328; *Glass* v. *City of Fresno* (1936), 17 Cal App. 2d 555). The same conclusion has been reached with respect to the collection and disposal of rubbish (*In re Pedrosian* (1932), 124 Cal. App. 692).

It has also been held that a city may, instead of collecting and disposing of garbage and rubbish itself, grant an exclusive privilege to engage in such activities (*In re Santos* (1928), 88 Cal. App. 691; *In re Sozzi* (1942), 54 Cal. App. 2d 304; *Ponti* v. *Burastero* (1952), 112 Cal. App. 2d 846). It would seem clear that cities under their police power could choose to regulate the activities of private garbage and rubbish collectors rather than engage in such activities themselves or grant exclusive contracts to do so (*Glass* v. *City of Fresno* (1936), 17 Cal. App. 2d 555, 558).

Counties undoubtedly possess the same powers since Section 11 of Article XI of the Constitution is applicable to counties as well as to cities (*Ex Parte Lyons* (1938), 27 Cal. App 2d 182, 186; 19 Ops. Cal. Atty. Gen. 61).

There appears to be no doubt that the State's police power (Const. Art. IV, Sec. 1) would encompass the regulation of garbage collection and disposal, except perhaps in the case of chartered cities when the matter is a municipal affair under the circumstances. It was held in the case of *In re Pedrosian* (1932), 124 Cal. App. 692, that a city's police power extends to the regulation and control of rubbish to the same extent as it does to garbage. The State Legislature is possessed of the entire police power except as limited by the Constitution (*Frost* v. *City of Los Angeles* (1919), 181 Cal. 22). Since counties and general law cities under Section 11 of Article XI of the Constitution possess local police power only to the extent that it is not in conflict with a general law, state legislation on this subject would prevail over conflicting ordinances of counties or general law cities. However, chartered cities, pursuant to Sections 6 and 8 of Article XI of the Constitution, have exclusive control over municipal affairs. It has long been held that the collection and disposal of garbage and refuse are municipal affairs (*In re Zhizhuzza* (1905), 147 Cal. 328), althought it is conceivable that legislation binding on chartered cities could be enacted regulating the collection and disposal of garbage insofar as that subject touches upon a matter of state-wide concern such as air pollution

Thus far the State has not chosen to administer the subject directly, but rather has by legislation placed the function in local governmental agencies, i.e. counties, cities, and special districts. Various statutory provisions have been enacted giving specific authority to those agencies with respect to rubbish collection and disposition. For purposes of convenience, these provisions will be treated under headings designating the various agencies to which they relate, and will be followed by a brief summary of general provisions on the subject.

A. Cities

Cities, by gift, purchase, or condemnation may acquire land within the county where the city is located for garbage disposal sites and rights of way for roadways to the site (Gov. C. Sec. 38790).

They may also contract for the collection or disposal, or both, of garbage, waste, refuse or rubbish under such terms and conditions as may be prescribed by the legislative body of the city (H. & S. C. Sec. 4250).

A city may also declare rubbish, refuse, and dirt upon parkways, sidewalks, or private property in the city to be a public nuisance and order its removal (Gov. C. Secs. 39561, 39571).

B. Counties

A county may acquire, construct, and operate dump sites, incinerators, and other disposal plants for the disposal of combustible or noncombustible garbage or rubbish, or both, and for that purpose may acquire by gift, condemnation or otherwise such property and rights of way as are necessary. It may lease or otherwise permit the use of such facilities by other governmental agencies, and may collect compensation from private or public agencies for the use of the facilities (Gov. C. Secs. 25820, 25821, 25823).

The board of supervisors of Los Angeles County is granted specific authority to collect or contract for the collection, or both, of garbage, waste, or other refuse matters under such terms and conditions as may be prescribed by the board, and, for that purpose, to levy a yearly tax on property within the unincorporated area of the county, excluding territory within existing garbage disposal districts (Gov. C. Sec. 25827).

A county may grant franchises or privileges for the collection, disposal, or destruction of garbage, waste, and debris under specified terms and conditions for a term not to exceed 25 years. Such franchises, exclusive or otherwise, may be granted by a county to the best bidder (H. & S. C. Secs. 4200 and 4201).

A board of supervisors, acting separately or with other agencies, may burn or remove debris, rubbish, brush, and grass from county highways (S & H. C. Sec. 953).

C. Special Districts

Garbage disposal districts, including both incorporated and unincorporated territory, may be formed to provide for the collection and disposal of garbage and other refuse matter in the district (H. & S. C. Secs. 4100-4112). The district may enter into contracts for the disposal of garbage and other refuse matter (H. & S. C. Sec 4121). An annual tax may be levied upon the taxable property in the district to pay the cost of the disposal of garbage and other refuse matter (H. & S. C. Sec. 4127).

Garbage and refuse disposal districts may be formed to provide a site for the disposal of garbage and refuse (H. & S. C Secs 4170-4197). Cities may be included in such districts only with the consent of two-thirds of the members of their governing bodies (H. & S. C Sec. 4171). The district may acquire and operate a garbage and refuse disposal site and make and enforce all rules and regulations necessary for the administration of the government of the district and for the operation and maintenance of the site (H. & S. C. Sec. 4180). The district levies an annual property tax (H. & S C. Secs. 4181-4185), and may issue general obligation or revenue bonds (H. & S. C. Secs. 4186, 4186.30).

County sanitation districts may be formed with power to acquire and operate a sewerage system and sewage disposal or treatment plant or a refuse collection and disposal system, or both (H. & S. C. Secs. 4700-4859). Such districts may include incorporated areas (H & S. C. Sec. 4711) However, a refuse collection and disposal system established by a district may include incorporated territory only upon a majority vote of the governing body of the city (H. & S. C. Sec.

4741.1). The district may levy and collect taxes upon real property in the district and may issue bonds (H. & S. C. Secs. 4746, 4747, 4805).

Districts may also be organized under the Sanitary District Act of 1923 (H. & S. C. Secs. 6400-6916) to acquire, construct, and operate garbage dump sites and garbage collection and disposal systems (H & S. C. Sec. 6512). Garbage is defined to include inorganic refuse and rubbish (H. & S C. Sec. 6406).

Local health districts (H. & S C. Secs. 880-972) are authorized to acquire, construct, maintain, and operate all works and equipment necessary for the disposal of waste and garbage (H. & S. C Sec. 936).

Community service districts may be formed to provide services for the collection or disposal of garbage or refuse matter (Gov. C. Sec. 61600).

A municipal utility district may acquire, construct, own, operate, control, or use within or without the district works for supplying the residents of the district and public agencies therein with means for the collection, treatment, or disposition of garbage, sewage, or refuse matter (P. U. C. Sec. 12801).

A public utility district may acquire, construct, own, operate, control, or use within or without the district works for supplying its inhabitants with means for the disposition of garbage, sewage, or refuse matter (P. U. C. Sec. 16461).

D. General Provisions

It is a misdemeanor for any person to operate in any city or town any crematory for the destruction by fire heat of garbage or other refuse except in such a manner as will prevent the propagation of disease through a contamination of the atmosphere of any city or town (H. & S. C. Secs 4300-4302).

Garbage may not be placed, deposited, or dumped into navigable waters of the State (H. & S. C. Sec. 4401). Any person who places, deposits, or loads it upon any vessel with intent to dump it into navigable waters is guilty of a misdemeanor, as is any person in charge of a vessel who permits the vessel to be loaded for such purpose (H. & S. C. Secs. 4401, 4402).

Any person who places, deposits or dumps, or who causes to be placed, deposited, or dumped, or who causes or allows to overflow any sewage, sludge, cesspool, or septic tank effluent, or accumulation of human excreta, or any garbage, in or upon any street, alley, public highway road, public park or other public property, or private property into which the public may lawfully enter, except property set aside for such purpose by the governing body of the governmental agency involved, is guilty of a misdemeanor (H. & S. C. Sec. 4475; Pen C. Sec 374b).

It is unlawful to place, deposit or dump, or cause to be placed, deposited or dumped any garbage, swill, cans, bottles, papers, ashes, refuse, carcass of any dead animal, offal, trash, or rubbish or any noisome, nauseous or offensive matter in or upon any public highway or road, including any portion of the right of way thereof (Veh. C. Sec. 600.5).

The Department of Public Works is authorized to remove refuse from state highways (S. & H. C. Sec. 721).

Very truly yours,

RALPH N. KLEPS
Legislative Counsel
By EDWARD K. PURCELL
Deputy

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL

Sacramento, California, October 31, 1956

MR. A. ALAN POST
Legislative Auditor
State Capitol, Sacramento, California

Collection and Disposal of Rubbish and Garbage—No. 3234

DEAR MR. POST: You have submitted to us the following question:

QUESTION

To what extent, if any, does the Cartwright Act and other laws relating to monopoly and unfair trade and business practices apply to garbage and rubbish collection and disposal arrangements which a city or county may make with private persons or firms?

OPINION

In our opinion any arrangement between persons or organizations seeking to obtain a garbage contract from a city or county, designed to stifle competition, would be in violation of the Cartwright Act.

We also believe that the Unfair Trade Practices Act (B. & P. C. Secs. 17000-17101) would be applicable under certain circumstances.

ANALYSIS

At the outset it should be made clear that both cities and counties are expressly authorized by law to contract with private individuals or organizations under which the latter would provide garbage and rubbish collection and disposal services for the inhabitants of the city or county (see H. & S. C. Secs. 4250, 4200, 4201; Gov. C. Sec. 25827). Thus there is nothing inherently unlawful in such a contract.

The Cartwright Act (B. & P. C. Secs. 16700-16758) applies to natural persons, corporations, firms, partnerships, and associations existing under or authorized by the laws of this State or any other state, or any foreign country (B. & P. C. Sec. 16702). No reason is apparent why the act should not apply to such persons or organizations simply because the acts committed by them are committed in connection with a contract to be awarded by a public agency. The test in such cases would seem to be whether the conduct involved falls within a prohibition in the act.

In Section 16720 of the Business and Professions Code, the types of conduct, denominated trusts, forbidden by the Cartwright Act are described. That section provides:

16720. A trust is a combination of capital, skill or acts by two or more persons for any of the following purposes:

(a) To create or carry out restrictions in trade or commerce.

(b) To limit or reduce the production, or increase the price of merchandise or of any commodity.

(c) To prevent competition in manufacturing, making, transportation, sale or purchase of merchandise, produce or any commodity.

(d) To fix at any standard or figure, whereby its price to the public or consumer shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce intended for sale, barter, use or consumption in this State.

(e) To make or enter into or execute or carry out any contracts, obligations or agreements of any kind or description, by which they do all or any or any combination of any of the following:

(1) Bind themselves not to sell, dispose of or transport any article or any commodity or any article of trade, use, merchandise, commerce or consumption below a common standard figure, or fixed value.

(2) Agree in any manner to keep the price of such article, commodity or transportation at a fixed or graduated figure.

(3) Establish or settle the price of any article, commodity or transportation between them or themselves and others, so as directly or indirectly to preclude a free and unrestricted competition among themselves, or any purchasers or consumers in the sale or transportation of any such article or commodity.

(4) Agree to pool, combine or directly or indirectly unite any interests that they may have connected with the sale or transportation of any such article or commodity, that its price might in any manner be affected

In the absence of a specific factual situation, it is difficult to state whether or not any one or more of the subdivisions contained in the quoted section would apply.

We can, however, visualize at least one set of circumstances to which subdivision (a) would probably be applicable. For example, should a group of individuals or firms, in order to stifle competition, agree among themselves on the terms and conditions of a garbage collection contract to be offered to a city or county, it appears quite likely that their agreement would be viewed as one designed "to create or carry out restrictions in trade or commerce" within the meaning of the subdivision cited.

Another act that would probably be applicable is the Unlawful Trade Practices Act (B. & P. C. Secs. 17000-17101). The purpose of that act is stated to be to safeguard the public against the creation or perpetuation of monopolies and to foster and encourage competition, by prohibiting unfair, dishonest, deceptive, destructive, fraudulent and discriminatory practices by which fair and honest competition is destroyed or prevented (B. & P. C. Sec. 17001).

The act applies to persons, firms, associations, organizations, partnerships, business trusts, companies, corporations, and municipal or

other public corporations (B. & P. C. Sec. 17021). As stated previously with respect to the Cartwright Act, no reason is apparent why the act would not apply to persons and organizations dealing with a city or county, where the actions of such persons or organizations fall within a prohibition in the act.

Without being unduly conjectural, it is impossible to set forth all of the circumstances to which the Unfair Trade Practices Act would apply with respect to the situation presented. One provision of the act does, however, appear particularly relevant. That provision is Section 17043, which reads as follows:

> It is unlawful for any person engaged in business within this State to sell any article or product at less than the cost thereof to such vendor, or to give away any article or product, for the purpose of injuring competitors or destroying competition.

The term "article or product" is defined to include service or output of a service trade (B. & P. C. Sec. 17024).

An illustration of a violation of the quoted section with respect to the award of a garbage collection contract would be where the person or organization seeking the contract offers to perform the services at a price below the cost thereof, with a view toward driving competitors out of business. We believe that such conduct would be prohibited under the act.

Very truly yours,

RALPH N. KLEPS
Legislative Counsel
By EDWARD K. PURCELL
Deputy

APPENDIX II

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

Division One

FRANK J. MATULA, JR.,
Petitioner,
vs.
THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS ANGELES
Respondent.

Civil No. 2069
DIST. COURT OF APPEAL
SECOND DIST
FILED
Nov. 19, 1956
J. E. Brown, Clerk
Deputy Clerk

PETITION for writ of prohibition.

FOR PETITIONER: Grant B. Cooper, By: HAROLD RHODEN.

FOR RESPONDENT: S. ERNEST ROLL, District Attorney of Los Angeles County; JERE J. SULLIVAN and LEWIS WATNICH, Deputies District Attorney.

Frank J. Matula, Jr., petitioned for a writ of prohibition to be issued to restrain the Superior Court of Los Angeles County from taking any further steps or proceedings as regards the petitioner in the case of People of the State of California v. Frank J Matula, Jr. (S.C. No. 181844).

An indictment charging petitioner with perjury in violation of section 118 of the Penal Code was filed in Los Angeles county on June 7, 1956. On July 25, 1956, a demurrer and motion under section 995 of the Penal Code were heard. On September 19, 1956, the demurrer was overruled and the motion denied and petitioner pled not guilty to the indictment and the case was set for trial on October 25, 1956. Petitioner thereupon filed the present proceeding.

The indictment, in part, reads as follows:

"The said Frank J. Matula, Jr is accused by the Grand Jury of the County of Los Angeles, State of California, by this indictment of the crime of Perjury in Violation of Section 118, Penal Code of California, a felony, committed prior to the finding of this indictment, and as follows:

"That on or about the 6th day of June, 1955 the Assembly of the State of California duly and legally enacted House Resolution No. 177; that said House Resolution No. 177 reads as follows.

" 'House Resolution No. 177

" 'Relative to constituting the Assembly Standing Committee on Governmental Efficiency and Economy an interim committee

" 'Resolved by the Assembly of the State of California, As follows:

* * * * *

" '1. The Assembly Standing Committee on Governmental Efficiency and Economy of the 1955 Regular Session is hereby constituted

an interim committee and is authorized and directed to ascertain, *study and analyze all facts relating to the State Government and the government of counties, cities, and districts of this State* and of any department, agency, or subdivision thereof, *particularly with respect to their* organization, *functions, and administration, for the purpose of recommending changes and proposing legislation in order to promote efficiency, to reduce and eliminate costs,* to provide for the consolidation of functions and removal of duplication, *and otherwise to increase the efficiency and effectiveness of the state and local governments* and the agencies and subdivisions thereof, including *but not limited to the operation, effect, administration,* enforcement *and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution,* and to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation.' " (Emphasis added.)

It is further set forth in the indictment that in pursuance of the authority and power granted by Resolution No. 177, said committee " * * * conducted a hearing to determine if it should recommend to the Assembly of the State of California the enactment of new laws, the repeal of existing laws, or the amendment of the existing laws governing the collection and disposal of rubbish and garbage "

The defendant was duly and regularly sworn and certain questions were put to him. Testimony was given to the effect that many of the men who drive the trucks which collect rubbish in Los Angeles County are members of the Teamsters Union; that many of the checkers who work at the rubbish dumps are also members of the Union; that the defendant is the secretary-treasurer of the Union; that many of the rubbish collectors in the county were and are members of rubbish collectors' associations; and further, that the rules, regulations, by-laws, and customs of said rubbish collectors' association provide and define the terms and conditions under which one rubbish collector may take a customer away from another rubbish collector, and further, that said rules, regulations, by-laws, and customs of said rubbish collectors' associations provide that under certain circumstances the rubbish collector who takes a customer away from another rubbish collector must return the customer to the latter; and further, that said rules, regulations, by-laws, and customs of said rubbish collectors' associations provide that under certain circumstances the rubbish collector who takes a customer away from another rubbish collector must give the latter one or more other customers for the customer originally taken; and further, that said rules, regulations, by-laws, and customs of said rubbish collectors' associations provide that under certain circumstances the rubbish collector who takes a customer away from another rubbish collector must pay the latter a certain sum of money as compensation for taking said customer; and further, that the said defendant, Frank J. Matula, Jr., had enforced and attempted to enforce the said rules, regulations, by-laws, and customs of said rubbish collectors' associations in the particulars above mentioned by telling and threatening the rubbish collector who had taken a customer away from another rubbish collector in substance that if he did not comply with said rules, regulations, by-laws, and customs as mentioned above that he, the rubbish collector, who had taken the customer would be

run out of business, that he would not be permitted to dump his rubbish in the rubbish dumps, and that the place of business of said customer would be picketed. And further, that the said defendant, Frank J. Matula, Jr., had enforced and attempted to enforce the said rules, regulations, by-laws, and customs of said rubbish collectors' associations in the particulars above mentioned by running and driving rubbish collectors who had taken a customer from another rubbish collector out of business by preventing the rubbish collector who had taken a customer away from another rubbish collector from joining said Union, by preventing said rubbish collector who had taken a customer away from another rubbish collector from dumping his rubbish in said rubbish dumps, and by picketing the customer whose rubbish collection account had been taken by one rubbish collector from another rubbish collector.

The petitioner set forth in his petition that, "The sole issue presented by said demurrer and motion was, and by this petition is, whether or not the legislative committee had jurisdiction to hear testimony on, and the power to validly raise, the issue upon which it heard petitioner's testimony."

Petitioner concedes that the allegedly perjurious testimony given by petitioner was pertinent to issues raised by the Committee hearing the testimony. He contends, however, that the issues were not validly raised by the Committee, and in raising such issues the Committee exceeded the scope of its power to inquire, and therefore was without jurisdiction to receive or consider such testimony.

From the questions put it is apparent that among other things the Committee was attempting to determine whether there was a monopoly existent in the garbage and rubbish collection and disposal service in the Los Angeles area; whether such a monopoly (if any) functioned in a manner contrary to the best interests of the general public and whether such a monopoly was able to operate because of understandings and agreements between certain persons representing management and certain persons representing labor.

In Special Assembly Int. Com. v. Southard, 13 Cal. 2d 497, 503, it is stated:

" 'Under these constitutional provisions it is obvious that the major function of the legislature is that of enacting legislation. This power is expressly conferred by the Constitution. This power necessarily presupposes that the members of each house of the legislature must investigate the necessity for legislation. It is impractical that the entire membership should participate in such preliminary investigation. Consequently, it is well settled by practice and decision, that incidental and auxiliary to the express power conferred, the legislature and each house thereof has the inherent and implied power to appoint committees for the purpose of obtaining information concerning proposed legislation and reporting back their findings to the body appointing them. From a practical standpoint this implied power must exist in order that the legislature may properly discharge its functions.' "

In the case of In re Battelle, 207 Cal. 227, the court held that the legislature had the power to appoint a committee to investigate whether a monopoly existed in the cement industry. The court, among other things, stated (pp. 240-241.):

"The power and duty reposed in the legislature and in each and every member of both houses thereof is obviously that of enacting, and hence, necessarily, of preparing and proceeding to enact wise and well-formed and needful laws * * * and hence, in many instances, in order to the preparation of wise and timely laws the necessity of investigation of some sort must exist as an indispensable incident and auxiliary to the proper exercise of legislative power. This has been recognized from the earliest times in the history of American legislation, both federal and state, and from even earlier epochs in the development of British jurisprudence. (Cases cited.)"

In 11 Cal. Jr. 2d, page 512, section 137, it is stated:

"The preliminary ascertainment of facts as a basis for the enactment of legislation is not of itself a legislative function, but is simply ancilliary to legislation. Thus, the duty of correlating information and making recommendations is the kind of subsidiary activity which the legislature may perform through its own members, or which it may delegate to others to perform. Intelligent legislation upon the complicated problems of modern society is impossible in the absence of accurate information on the part of the legislators, and any reasonable method for securing such information is proper." (See, also, Parker v. Riley, 18 Cal. 2d 83, 90-91.)

Under the present law, so far as we are able to determine, the state has, with the exception of the provisions of Articles 1, 2, 3 and 4 of Chapter 4, Division V of the Health and Safety Code (which purport to regulate and control the pollution of waters in public places), imposed the duty of collecting and disposing of garbage upon the local political subdivisions.

Section 11 of Article XI of the California Constitution vests in counties and cities the power to "make and enforce within its limits all such local, police, *sanitary*, and other regulations as are not in conflict with general laws." (Emphasis added.) This provision has been held to vest broad authority in the cities, and municipal ordinances giving a city the exclusive right to gather and collect garbage within the city have been held to be valid as resting upon the police power conferred by the constitutional provision. (In re Zhizhuzza, 147 Cal. 328; Glass v. City of Fresno, 17 Cal. App. 2d 555.) The same conclusion has been reached with respect to the collection and disposal of rubbish. (In re Pedrosian, 122 Cal. App. 692.)

It has also been held that a city may, instead of collecting and disposing of garbage and rubbish itself, grant an exclusive privilege to engage in such activities (In re Santos, 88 Cal. App. 691; In re Sozzi, 54 Cal. App. 2d 304; Ponti v. Burastero, 112 Cal. App. 2d 846). It would seem clear that cities under their police power could choose to regulate the activities of private garbage and rubbish collectors rather than engage in such activities themselves, or grant exclusive contracts to do so (Glass v. City of Fresno, *supra*, 17 Cal. App. 2d 555).

Counties would appear to possess the same powers since Section 11 of Article XI of the State Constitution is applicable to counties as well as to cities (In re Lyons, 27 Cal. App. 2d 182, 184-186; 19 Ops. Cal. Atty. Gen. 61).

The legislature has enacted various statutory provisions giving specific authority to cities, counties and special districts with respect to

rubbish collection and disposition Cities, by gift, purchase, or condemnation, may acquire land within the county where the city is located for garbage disposal sites and rights of way for roadways to the site. Garbage is defined to include inorganic rubbish and refuse (Gov. Code, sec. 38790). Cities may contract for the collection or disposal or both, of garbage, waste, refuse or rubbish under such terms and conditions as may be prescribed by the legislative body of the city (Health & Saf. Code, sec. 4250). Counties are authorized to acquire, construct and operate dump sites, incinerators, and other disposal plants for the disposal of combustible or noncombustible garbage or rubbish, or both, and for that purpose may acquire by gift, condemnation or otherwise such property and rights of way as are necessary (Gov. Code, secs. 25820, 25822, and 25824). The board of supervisors may permit cities or other governmental agencies to use such dump sites, incinerators or other disposal plants (Gov Code, sec. 25821). The board may make and enforce all necessary and proper regulations for the use of such disposal facilites. It may charge fees for the use of such facilities and may restrict the use to the inhabitants of the county (Gov. Code., sec. 25823).

A county may grant franchises or privileges for the collection, disposal, or destruction of garbage, waste, and debris only under specified terms and conditions. Such franchises, exclusive, or otherwise, may be granted by a county to the best bidder (Health & Saf. Code, secs. 4200 and 4201, as amended by 1955 Stats. ch 928, secs 1, 2)

Section 24827 of the Government Code, as added by Chapter 928, sec. 3 of the 1955 Statutes, gives the Board of Supervisors of Los Angeles County specific power to collect or contract for the collection, or both, of garbage, waste, or other refuse matters under such terms and conditions as may be prescribed by the board, and, for that purpose, to levy a yearly tax on property within the unincorporated area of the county, excluding territory within existing garbage disposal districts.

The present law also provides for various types of special districts with powers relating to the collection and disposition of garbage and rubbish. Garbage disposal districts, including both incorporated and unincorporated territory, may be formed to provide for the collection and disposal of garbage and other refuse matter in the district (Health & Saf. Code, secs. 4100-4112). The district may enter into contracts for the disposal of garbage and other refuse matter (Health & Saf. Code, sec. 4121). An annual tax may be levied upon the taxable property in the district to pay the cost of the disposal of garbage and other refuse matter. Garbage and refuse disposal districts may be formed to provide a site for the disposal of garbage and refuse (Health & Saf. Code, secs. 4170-4197). Cities may be included in such districts only with the consent of two-thirds of the members of their governing bodies (Health & Saf. Code, Sec. 4171).

The district may acquire and operate a garbage and refuse disposal site and make and enforce all rules and regulations necessary for the administration of the government of the district and for the operation and maintenance of the site (Health & Saf. Code, sec. 4180). The district levies an annual property tax (Health & Saf. Code, secs. 4181-4185), and may issue general obligation or revenue bonds (Health &

Saf. Code, secs. 4186 and 4186.30). County sanitation districts may be formed with power to acquire and operate a sewerage system and sewage disposal or treatment plant or a refuse collection and disposal system or both (Health & Saf. Code, secs. 4700-4859). Such district may include incorporated areas (Health & Saf. Code, sec. 4711). However, a refuse collection and disposal system established by such a district may include incorporated territory only upon a majority vote of the governing body of the city (Health & Saf. Code, sec 4741.1). The district may levy and collect taxes upon real property in the district and may issue bonds (Health & Saf. Code, Secs. 4746, 4747 and 4805). A district may also be organized under the Sanitary District Act of 1923 (Health & Saf. Code, secs. 6400-6916), to acquire, construct, and operate garbage dump sites and garbage collection and disposal systems (Health & Saf. Code, sec. 6512) Garbage is defined to include inorganic refuse and rubbish (Health & Saf Code, sec. 6406). It is a misdemeanor for any person to operate in any city or town any crematory for the destruction by fire heat of garbage or other refuse except in such a manner as will prevent the propagation of disease through a contamination of the atmosphere of any city or town (Health & Saf. Code, secs 4300-4302).

It is apparent from the foregoing that generally speaking, in California, the regulation and control of garbage and rubbish collection and disposal has been left entirely to the local agencies.

Obviously, any study of the general subject matter which would have as its purpose the recommending of any needed revision of the state laws, first should concern itself with whether the existing state law is sufficient to enable the local governments to cope with the problem. Or, in short, are the local governmental agencies efficiently and adequately providing for, or regulating the collection and disposal of garbage and rubbish in their respective jurisdictions? If the committee determined that such local control or regulation is inadequate, inefficient or ineffective in any way, is this due to any deficiency, inadequacy or ineffectiveness in the state law giving local governments authority over the general subject matter, or is it due to the fact that the subject is of such a nature that the State itself should undertake to regulate the subject matter directly or in its entirety?

Assuming that the committee found that the present system is inadequate or inefficient, then the question would arise as to what course should be followed by the State and that in turn would be affected by what the reasons were for the inadequacy or inefficiency, if any. It might well be that the committee would find that because the local agencies were restricted to their particular territorial limits, the problem is one in which there should be a wider base of operation, if there is to be any solution to it. If this be so, then the State could well adopt certain minimum standards and rules governing such activities, but not occupying the field of regulating and controlling the collection of garbage and rubbish, thereby preserving substantially the present plan. An example of such an approach is set forth in the present law with reference to the operation of crematories. (Health & Saf. Code, secs. 4300, 4301 and 4302.) Or, if it was found that the subject is one which cannot be controlled effectively and efficiently by local government, it might well be that legislation would be recommended which would sub-

ject such activities to regulation by a state agency. In our opinion, the police power of the State would include the power to make such regulations, even in chartered cities and certainly in all others. In enacting sections 24198 to 24341, inclusive, of the Health and Safety Code, providing for the creation of air pollution control districts, the legislature determined that there is a state-wide interest in atmospheric purity and prohibition of air pollution, and that it is not practical or feasible to prevent or reduce such pollution by local, county and city ordinances (Health & Saf. Code, secs. 24198 and 24199). Therefore, it would appear that legislation which regulates in some manner the disposition of rubbish in order to protect against air pollution might well be valid. There are, of course, many other possibilities.

The petitioner herein contends that the committee was investigating a supposed conspiracy between a labor union and certain private business associations, and thereby neither the efficiency nor the economy of any governmental operation was in any way involved—that he in no way interfered with the efficiency or economy of any governmental agency and that therefore the committee had no power or jurisdiction to investigate any such supposed conspiracy.

Petitioner concedes that the indictment is sufficient if the committee had the authority to make the investigation under the terms of the resolution setting up the committee. He sets forth that "the government . . . does not become vested with the *obligation* to perform a service merely because it *may* perform that service, and a private business operation does not become a governmental operation merely because there is enabling legislation which allows the government the option of performing or not performing that operation." Perhaps, in general, the petitioner is correct in his contention, however, in this particular instance, dealing with the particular subject matter in question, we do not believe that any such general rule applied.

Garbage has been defined as, "Refuse organic matter in general, more specifically, offal; the refuse animal and vegetable matter from a kitchen, market, or store; the entrails of an animal or fish, refuse parts of flesh, the bowels of an animal, that which is purged or cleansed away, but the term does not necessarily imply the presence of such organic matter, and in its broadest sense, it is sometimes loosely used as meaning anything worthless or filthy, refuse, any worthless, offensive matter; waste material from a house, market or store, consisting of offal mixed with other refuse, as ashes, paper, tin cans, etc." (38 C. J. S. 189.)

In former days, in small towns and communities, the work of collecting garbage was done primarily by private concerns or each household took care of its own. There are undoubtedly places in California presently where such conditions still prevail. In more populated centers, however, it became impractical for everybody to so conduct themselves, and it became necessary for the political subdivision to assume, on its own account, and for that state, the duty of providing for the disposition of garbage one way or the other. The accumulation of decomposed garbage which is offensive to the smell, of substances which if permitted to remain uncared for would poison the atmosphere and breed diseases, infectious and contagious, among the people of one city, and might well spread statewide, is of course a concern to the entire state.

It was appropriately said in Gorman v. City of Cleveland, 159 N.E. 136, 137-139:

"It might be vegetable or animal refuse, or both. It also might be a combination of all the articles named, which, if left uncollected, would ferment, sour, rot and decay, and consequently, unless collected and disposed of, become injurious and deleterious to the public health, to the extent even of producing an epidemic, which might involve not only the community, but the state, because everyone coming in contact with it, no matter where residing, might become affected and diseased, and thus a contagion be spread over a much larger territory. Distance would be no bar, because the disease or contagion might be carried wherever a person afflicted might travel. Hence it is not violence to say that it would become the *duty of government,* whether municipal or state, on account of its far-reaching effect, take cognizance of such a condition, and by the collection and disposal of the refuse prevent disastrous effects by checking it in its incipiency; and it is not unreasonable to suppose that, as a matter of self-defense, in behalf of the body politic, *it becomes the paramount duty of the government itself,* whether municipal or state, to prevent any impending peril by taking immediate steps for the collection and disposal of garbage and rubbish, and not to depend upon people not charged with the public responsibility to eradicate the evil.

"Were the city to leave such an important function to each individual property owner, dire results might follow from indifference and neglect. Is not that conclusion the inevitable sum and substance of human experience the inevitable logic of the situation? In other words, the necessities of the case make this duty a paramount one to be performed by the government on account of the universal peril that might follow in case of neglect or indifference throughout the entire city and the entire state, for the reasons above given.

* * *

"It is a well-settled proposition that with respect to health measures *the duty rests upon the government* . . .

"That the state of . . . (California) is directly affected by sanitary condition of the city of . . . (Los Angeles) cannot be denied, for the reason, as above stated, that contagion spreads wherever there is freedom of human locomotion and over any territory where the wind blows. The condition of Cuba and Porto Rico affected the people of all countries, because yellow fever, before its eradication, was a menace not only to this country, but to all others, and if it had been left for the inhabitants to take care of themselves, the contagion would have become universal. We quote this episode because it has become a part of universal history of which courts can take judicial notice.

"If the city of . . . (Los Angeles) should abandon its collection of garbage and refuse (either by making the collection itself, or contracting the work to be done, or otherwise causing the garbage to be collected) within the next 24 hours, the danger of the community and its people within the next 6 months is obvious, for it is a well-established proposition of government that when it comes to public health the community must take care of itself, and that includes the inhabitants and the body politic, and this is based upon the wisdom of the ages, that what is the duty of everybody is the duty of nobody, especially

when it pertains to questions of public health and public welfare." (Emphasis added.)

It is a duty of government to either collect the garbage of the political subdivision, or cause it to be collected, and not just a power of government to collect it or cause it to be collected. Whatever powers a city possesses to remove garbage and refuse are predicated upon the assumption that a failure in this respect would result in a menace and danger to the people of the whole state, and the authority or power to prevent such endangerment stems from the police power of the state. It appears to us that if it is a duty of government under the circumstances, then clearly the Committee was proper, and within its powers and jurisdiction, to investigate into whether any of the laws with reference to the subject matter of garbage collection needed revision.

In Pittam v. City of Riverside, 128 Cal. App. 57, at page 62, the court said:

"It is well established that the disposal of garbage by a city is the exercise of a governmental function. (*Miller* v. *City of Palo Alto, supra; Manning* v. *City of Pasadena,* 58 Cal. App. 666 [209 Pac. 253].) The municipality derives the right to provide for garbage disposal from its sovereign powers of preserving the public health. (*In re City and County of San Francisco,* 191 Cal. 172 [215 Pac. 549]; 13 Cal. Jur. 291.) The same power gives to the city the right to prevent the destruction of the property of its citizens by fire. (*Coleman* v. *City of Oakland, supra.*) The collection and disposal of waste materials which constitute a fire hazard should be just as much a governmental function as the collection and disposal of garbage which is a menace to health. (In re Pedrosian, 124 Cal. App. 692 [13 Pac. (2d) 389].)"

For the reasons heretofore set forth we hold that the Governmental Efficiency and Economy Committee of the Assembly conducted a valid investigation in a matter over which it had jurisdiction, and that the questions put were material and proper, intended as they were to elicit information as to the existence of evils in the present administration of pertinent statutes, and the possible necessity arising therefrom, to recommend amendment to, or a change in existing legislation, to the end that the efficiency and effectiveness of the state and local governments, in the collection of garbage and rubbish, might be enhanced.

The petition for the writ of prohibition is denied.

FOURT, J.

We concur:

WHITE, P. J.

DORAN, J.

REPORT OF THE

SUBCOMMITTEE ON APPRAISERS

to the

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

LETTER OF TRANSMITTAL

January 31, 1957

HON. RALPH M. BROWN, *Chairman*
Assembly Interim Committee on Governmental Efficiency and Economy
State Capitol, Sacramento, California

DEAR CHAIRMAN BROWN: In accordance with your instructions, your subcommittee has undertaken the study of Assembly Bill No 2521 (Belotti), relating to the licensing and regulation of property appraisers.

Your subcommittee held one hearing on this subject on December 5, 1956, in Sacramento, California.

The attached report contains the findings, conclusions and recommendations of your subcommittee.

Respectfully submitted,

WALTER I. DAHL, *Chairman*
JAMES L. HOLMES
JACK SCHRADE

FINDINGS

The proponents of the bill argued that violations were occurring in the field of appraisers because of improper practices by unqualified persons operating therein; that licensing and regulation of appraisers would help to eliminate such violators.

The opponents of the bill argued that the bill, as written, was not workable; that the program was not self-supporting, and that some segments of the industry had not examined the legislation closely enough to come to any definite conclusions.

CONCLUSIONS AND RECOMMENDATIONS

It was the consensus of the subcommittee that the testimony received did not warrant the reintroduction of Assembly Bill No. 2521 in its present form:

1. It was agreed that the bill is not the entire answer to the problem.
2. That some groups in the industry have not duly considered the subject matter of the bill.
3. That the program is not self-supporting, that is, the license fees would not be in sufficient amount to cover the cost of setting up, operating and maintaining a board to process such legislation.
4. That a period of at least two years should elapse in order to give all segments of the industry an opportunity to get together and devise rules and regulations which are agreeable to all concerned.

REPORT OF THE SUBCOMMITTEE ON AVIATION

to the

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

LETTER OF TRANSMITTAL

January 31, 1957

HON. RALPH M. BROWN, *Chairman*
Assembly Interim Committee on Governmental Efficiency and Economy
State Capitol, Sacramento, California

DEAR CHAIRMAN BROWN: In accordance with your instructions, your subcommittee has studied the operation and weighed the value, present and potential, of the California Aeronautics Commission. Two hearings developed information upon which your subcommittee has based concrete recommendations concerning the future of this commission. The first hearing was held on December 5, 1955, in Los Angeles and a second on November 21, 1956, in Los Angeles

Numerous witnesses were heard. On the following pages are statements of witnesses and recommendations of the subcommittee.

Respectfully submitted,

LESTER A. MCMILLAN, *Chairman*
WALTER I. DAHL
JAMES L. HOLMES

EXCERPTS FROM TESTIMONY OF WITNESSES

Le Roy Lampson, Chairman, California Aeronautics Commission:

I do not presume to give a group such as this a lesson in the economics of our home state, but I do wish to call your attention to some basic current facts:

FACTS ON AIRCRAFT INDUSTRY IN CALIFORNIA

Employment: 262,500.

Pay roll: Nearly 28 5 million dollars in a typical week.

Backlog:	Military	$3,536,000,000
	Commercial	1,901,237,000

Nearly three-fourths of commercial transports, turbo-jets, and prop-jets now on order will be built in California. (As of September, 1956, total of this type on order—450.)

Subcontractors: Approximately 50,000 subcontractors and suppliers in Nation—about 10,000 in California.

Typical expenditures from aircraft paychecks in California: According to average buying habits formula of the U. S. Department of Commerce:

FIGURES PER WEEK—from 28 5-million-dollar pay roll

Groceries and meats	$6,100,000
Autos, gasoline and automotive services	4,220,000
Clothing	2,480,000
Miscellaneous things	2,310,000
Personal services—dry cleaning, barbers	2,250,000
Furniture and household appliances	1,625,000
Lumber and building materials	1,170,000
Entertainment	712,000
Drugs and sundries	575,000

We utilize 33 million square feet.

Thirty-five percent of all United States aviation employees are here, more than the next three states!

Due to Boeing and Martin being out of the transport field, 90 percent of the world's air transport is currently manufactured in the Los Angeles area.

Our largest single industry—three times the size of the next largest—machinery.

A basic measurement of basic industry is that for every 100 employees you create 100 new jobs somewhere else.

We find therefore that today aviation is our largest industry and our largest taxpayer. And yet, we the citizens of California, who have had the "know how," courage, and the will to create this cradle of the coming means of transportation are doing very little to provide a proper political climate for it to grow in.

We find, for instance, that while California has 12 percent of the Nation's aircraft and 12 percent of the Nation's pilots, we have only 6 percent of its airports. We are more than 50 percent behind the national average. We find that where they are needed the most, they are disappearing. The Nation, as a whole, lost 1,200 airports last year and specifically in California, in the Los Angeles area, we have gone from 64 airports down to 14 in the last 15 years. In the San Francisco peninsula area we have been reduced from 12 to 3 airports. Obviously, the day of the private airport is passing. It is becoming impossible for private capital to solve this problem. It is tantamount to ask a man to support a 100-acre free park on the proceeds of a gas station, and it simply cannot economically be done.

If something is not done to halt the inroads upon our airports and to save those we have left, we will soon be reduced to a mere handful of public owned airports and the resultant congestion will automatically preclude the growth of general aviation, which is at long last on the threshold of its first real growth. Last year the corporation owned aircraft enjoyed a 64 percent increase in new sales. Obviously, this trend will be halted if there is no place for these aircraft to be based operationally. If everyone else in the State owned an airplane and could not use it to come to our urban areas such as Los Angeles and San Francisco, they would be of very little value.

The Aeronautics Commission is the only organization in California today concerning itself over this problem We have learned the hard way a strong, bitter lesson that an airport is unlike any other kind of civic problem Once an airport is gone—it is gone for good. Mere money cannot then buy results as it usually can in any other kind of a civic project. The airports we still have in operation, whether they are successful and making money or not, are performing a vital public service in that they are preserving a space reservation now dedicated to aviation's use, and can therefore, be salvaged by the body politic at any time in the future as long as they are still in operation.

The citizens of our State and our corporations are adopting this means of personal transport at a very high rate. There are now 88,000 qualified pilots in California, of whom less than half are maintaining

the credentials in a current status because of the lack of airports. We currently have 540 airports in California. The breakdown is roughly as follows: 89 are county owned; 15 are state or government owned; 71 are city owned; 43 are military owned; and 322 are privately owned.

Seventy-three percent of all nonmilitary flying is done by individuals in individually or corporately owned aircraft. Over 90 percent of the Nation's 100 largest corporations now own and operate their own aircraft. This gives them a tremendous flexibility because of the fact that of the Nation's 6,000 airports only 600, or 10 percent, are served by airline service. The entire domestic flag-carrying fleet of the airlines number only 1,500 aircraft out of the Nation's total inventory of over 100,000. Business aircraft last year flew almost 5,000,000 hours. When you consider the fact that an aircraft mile is the equivalent of 30 percent more accomplished, this assumes even more significance.

Our commission has been primarily concerned with the economic and physical welfare of general aviation rather than that of the airlines or manufacturers, but in connection with airline use, we are highly concerned about the airport potential which must be considered now for the future use of the airlines. In this connection, I would like to point out that for the first time in aviation history, aircraft are about to become available which will be physically able to span the Pacific from any point in any direction to any other point. Further, there are presently some 27 airlines around the Pacific basin who are in a financial position to buy such equipment and will, therefore, in the fairly near future, be applying for reciprocity right to terminals on the Pacific Coast. Obviously, if California is to take advantage of this potential it must begin to concern itself with its airport facility potential.

After this very sketchy review of aviation generalities concerning the current status of aviation in California, we would like to offer for your consideration a few somewhat more specific suggestions and recommendations:

1. First, we feel that a strong state zoning ordinance for the protection of airports we still have is a vital need It may very well be that this will require some totally new concepts of legislation because very few states have such an adequate zoning law But, California as usual, is expected to be a leader in this kind of activity. Several legal avenues of approach to this problem are open for study such as the possibility involved in the concept of inverse condemnation, about which we would be glad to furnish details to your committee at a more appropriate time

2. It is the considered opinion of the members of this commission that the State should establish a modest revolving fund for the purpose of loaning, at a low interest rate, money to individual political subdivisions for the purpose of hangar construction and other facilities which will amortize their own cost. We find the general aviation picture somewhat stymied at the moment because the sale of new aircraft cannot proceed unless there is adequate housing and this seems to have become an almost impossible task of the individual city or county to do—the high initial cost which they cannot fund because of their traditional reticence and legal prohibition of entering into long-term contracts which would bind their successors. The State has some 21

such funds for purposes of financing community projects of which the community cannot raise the initial cost in any one year. We find, for instance, the State financing such unlikely things as parking lots for football games at the Coliseum in Los Angeles and feel that aviation's needs are certainly equal to, if not greater than this. We feel that such a revolving fund would remove this stumbling block to make way for an immediate larger growth in the use and ownership of aircraft. The commission itself is in dire need of funds for engineering, technical and statistical staff to answer the demands on it for such help from individual cities and counties who would not otherwise proceed with many projects now at hand. The Finance and Budget Departments of the State have already informed us that they are not recommending such funds unless specifically called for as a result of your interim studies.

We do, however, wish to state that we definitely adhere to the principle that technical help should be contracted for by the State wherever possible and such engineering or technical help as we propose to furnish will be in very modest increments and used only in amounts necessary to get many airport projects, now static, rolling again. We have found, for instance, that in several cases we were able to actually accomplish a complete airport for as little as a few hundred dollars worth of technical help. The individual community simply does not have this kind of specialized talent available.

3. We feel strongly that some solution should be worked out to provide an in lieu tax at the state level for aviation so that taxes collected on aviation equipment can be returned to the aviation industry in the form of facilities. This would follow the pattern and solution as provided in the automobile field. At the present time, aircraft are taxed as any other chattel equipment would be and hence, these aviation provided moneys are not being returned to aviation.

4. From the many letters of complaint and wide experience of our membership and staff, we have come to the conclusion that a satisfactory air marking program for the State is a vital necessity and we feel strongly that some funds should be allotted to us for this purpose. A few dollars thus invested produces a very costly result because we have evolved a very cheap method of procuring these air markers. In cooperation with the State Junior Chamber of Commerce, we are able to promote the free manpower for this purpose and all the commission needs to furnish is one man as a supervisor with the "know how." The individual county will nearly always provide the paint. We are at present, way behind in applications for this service which we have endeavored to provide with our very limited staff, who are providing the service gratis on their own weekends.

5. One of the services for which we get the greatest number of requests is to furnish an adequate and suitable airport directory and state navigational air chart. Some 30 other states provide such directories and/or charts, and they are needed and welcomed by general aviation. The C. A. A. at the present time does provide air navigational charts and this would be a duplication of effort on our part except for the fact that in California, where traffic is largely north and south, to traverse the State this way one must have eight separate sectional charts of the C. A. A. with little bits and pieces of the State on

each one The commission did provide such a chart in 1949 and 1950 but the supply is now outdated and exhausted, but we can tell you from experience that this is one of the most desired services of the commission.

6. The only program of aviation education that has been of any significance has been the 4-hour classroom and flight indoctrination program sponsored by the State a few years ago, in which some 125 high schools and junior colleges participated. This program has now dwindled to a mere 16 or so schools still active. Its failure has not been because of a lack of financing. The individual school districts are willing to do this but it has failed because of a lack of adequate insurance and adequate supervision.

In an effort to remedy this situation, the Aeronautics Commission is asking for a very modest amount of money to provide the deposit premium for the necessary blanket insurance policy which would cover all schools, cost of which we will apportion among them to be returned to our fund. In this sense, it will become a revolving fund for the purpose. The insurance companies refuse to deal with each individual school on anything like a possible economic basis and will only underwrite the program if it has the physical supervision of the State to insure that proper equipment and personnel are used in good flight weather. The Aeronautics Commission is proposing to add a portion of one man to its staff for the purpose of providing the insurance companies' demand for this service. We are hereby requesting your support in this matter.

We strongly believe that the industry must assume its responsibility to the public and attach such a responsibility clause as is now being developed for automobiles. This would go a long way toward consumer acceptance if we in the industry realized our responsibility and took adequate steps toward solving this problem.

We fully appreciate that these somewhat minor recommendations will not solve some of the major problems we have mentioned earlier but the commission must perforce be realistic and keep its year to year plans within the scope of practical accomplishment and growth by its staff.

Clyde P. Barnett, Executive Director of California Aeronautics Commission:

Mr. Barnett pointed out that the Legislature has cut the commission's appropriation in half, at the same time adding additional responsibilities. At the present time, he explained, the commission must pass upon the safety and accessibility of all newly proposed airports and make land studies concerning them. If a proposed site is found satisfactory, a site permit is issued. At the present time, requests for site permits are running about six to eight a month, but with the commission's present staff, from one to two months' work is required for each site. About 75 are now in process.

"The site permit system is, we feel, completely justified on the basis that it does prevent the public from being trapped. This is a very real problem in general aviation, not to the airlines or manufacturing. Here is what happens. When somebody dredges out a strip and puts an airplane on it, if we haven't done our job and there are trees there and

it takes special equipment, or you don't know of a special way into it, there is bound to be an accident; and we aren't doing the job. Now, when we give a site permit for this airport to be there, then after they get through the work and all during the actual processing of it, we directly furnish a great deal of technical assistance. We furnish, sometimes, some legal aid. Once that phase of it is over, we give specifications to every airport. There we are in a position to get them operational permits as an officially licensed airport of the State. This affects their ability to get insurance. It affects their stature from the point of view of getting on the map federally. It affects the whole picture as to whether or not they are a recognized airport. It can't be if the State doesn't have a permit on it.

"There are a number of organizations that take the same attitude. Corporations have standards. They say, 'If it's a permit airport, it's obviously a good enough airport to use.' We find the same situation applies to the forest people and the other branches of the government. They frequently ask us whether it is a permit airport or not.

"Now the third branch of the law, at the moment, that we feel a responsibility for and which we are unable to perform, is the economic and safety survey of each airport once a year There are 526 of these in the State, and this becomes a chore which obviously we cannot keep up with, with the present staff.

"The survey that we are required to make is strictly a safety one. All we are concerned about is the public It should be protected from having strips that are not X'ed out, and are indicated that they are dangerous airports. They should have an X on them or they should be a permit airport. We don't have to look at any major airport that has people on it who are recognized and capable. We are concerned with the other airports. We are concerned in maintaining glide patterns and other regulations. We are concerned, for instance, with floods. When erosion streams across these strips, no one knows this, we have a look and see that notification is published of it These are things that C. A. A. does not do.

"We are required to look at and make a survey of every school site that is within two miles of the airport. This involves a safety and noise study—a noise level—and we make recommendations to the State Department of Education for every one of these that come along. There are 76 of these sites We have turned down approximately half of them, and we have recommended that about half of them be allowed to go ahead and build even though they are within two miles of the school.

"We feel that we are also obligated to see that an airport doesn't go in over a school. If there is a school already there, we won't give a site clearance next to it or adjacent to it, or let them put a runway running up to it. The only importance of this that I can point to is we have had administrators tell us that this probably saves them a lot of money because you can't use a school if it is too noisy, or if the public becomes concerned with it, because it is hazardous.

"We have succeeded in getting some 32 communities to adopt zoning ordinances protecting their airports. We have, I think, an excellent chance to accomplish our aims. These are the kind of things that break

over in a gush. When they do go, when you finally get a number of cities or counties to accept a norm, the rest come easy.

"The whole industry is vitally concerned about this. We definitely need some help. Primarily we fail in the areas, in that almost all the time we end up with the airport adjacent to some other kind of political subdivision, cities or counties. We do answer a firehouse call from a county which is having trouble. We go to them and see that they do have the advantage of all legal knowledge available.

"We assemble and distribute model cases, and we furnish model acts to copy and draft one of their own. We have been successful in quite a few counties with these cases.

"We assist in fostering, promoting, and developing new airports. In other words, this goes beyond our permit system. This boils down to our actually getting out to the front line a little bit and promoting airports where they are not.

"In the matter of federal aid to airports, we have a somewhat dual responsibility. Primarily our concern here is getting the most federal aid for California that we can. We find a complete ignorance at the community level on how to prepare an application for federal aid. We find an ignorance in what will get you money and what doesn't. Somebody must get down and make a history of what worked and what didn't work, and that frequently involves quite a few trips to the communities who are working on the problem. We have been invited this last year to do a rather unusual thing. The Civil Aeronautics Commission has established the Federal Aid to Airports Fund. We all of a sudden get 63 million dollars for a four-year program. California's share of this has been less than it should because of a lack of adequate salesmanship. We are actually in competition with Podunk and every other community in the United States for these funds. We were invited into the picture because of the short-handedness of C. A. A. when they suddenly had the problem of distributing this money. So they invited us to make recommendations.

"In the area of collection of statistics, which, of course, every state agency does, we find that we are somewhat hamstrung, and this is where our need is. We do need a professional statistician. We are called upon more often than we can handle, for statistics of one kind or another concerning the industry as a whole that no one else in the State has or has any opportunity to assemble. These requests come from within the industry. They come from foreign countries. Just everywhere. Our mail will run as high as 15 or 20 a day on requests for statistics which all too frequently, we just don't have. The commission feels an obligation to provide, as some 40 other states do, for general aviation, an informational booklet on specific facilities and services available on individual airports. These have never been properly tabulated. There is no way at the moment to tell how to route yourself. Whether gasoline is available at night, where food is available, or where service is available. We sincerely hope to get this started. We can then get some commercial organization to take it over. The State usually gets it started and private industry takes it from there."

Discussing the commission's educational work, Mr. Barnett said, "We do not have at the state level today, sufficient leadership to keep the schools interested in the program of developing aviation educa-

tion. Every other industry is taken care of, and they have a fantastic amount of capital backing them. We have very little at the aviation level at all. This is primarily due to a lack of sufficient leadership at the state level, to see that it gets done

"This orientation program that we had going was a very satisfactory thing in itself, however, we have problems now. First, the State did furnish the insurance for it. The individual school furnished the flight time, itself. This was a purely expository kind of thing to show the student what this industry had to offer; to give him some introduction into it. We find that once we get a man in the air, we have no trouble from there. He is automatically an airline user and accepter. We must remind you at this point that less than 10 percent of this country has been in the air. The record has been built up by a relatively small group of people.

"The commission feels that it has a responsibility in the matter. On this orientation program this year, we are asking the Legislature for enough money to do two things. We have had a complete breakdown on this orientation program. There are only 16 schools offering this education program. The reason is that they cannot get insurance at a decent cost. Each school has to go and make its own deal with the insurance company. It gets to be a high cost thing, depending on what insurance company you are talking to, of course. We can, at the overall level of the State, provide a blanket insurance policy by merely providing the down payment or the deposit premium of about $1,000. The program would be 100 percent self-supporting so that this becomes simply a revolving fund. The State provides only enough to get it going, and it will be completely self-supporting."

Mr. Barnett further said: "In your city today, about 20 percent of the income comes from aviation. We are doing nothing to prepare the youngsters to go out and get jobs in aviation. We are spending a million dollars to teach agriculture; yet the County of Los Angeles is losing 1,350 acres of its agricultural land by having it rezoned for subdivisions. We are not helping the youngsters of this area to study aviation as a means of transportation. We need so many things in this phase. Primarily, I think, we would settle most if we could just get decent vocational guidance. We are just trying to salvage a program we had some years ago. It has gotten itself into problems because of an accident. This happened because the State pulled out and removed its close watch of it and the insurance program. When they thought it was going good, they went off and left it too quickly.

"In the matter of air marking activity, obviously the three of us cannot actually get out and do such air marking. We have furnished the technical supervision for some 11 of these and we furnished the assistance and outline. We draw the plan and provide the engineering layout of where to put one. Our request for funds in this, is to solve the problem of getting it done some other way. The State Junior Chamber of Commerce has taken this on as a function. We have gotten, I think, now a listing as No. 3 objective of the State. They are doing a very good job of it. We are trying to get someone else to do it. Not necessarily do it ourselves.

"We do quite a bit in the safety field. We publish a bulletin once a month. We do a considerable amount of research to publish a bulletin in this field. We publish posters for use in airports. We concern ourselves with examination of information on the most frequent causes of accidents in California which we find effective for other localities. We are concerned with developing and distributing information on the best techniques of search and rescue and that sort of thing.

"In civil defense we are concerned with the organization and the holding together of at least a nucleus of an organization which can function in the event of a national disaster. We feel really proud of our activities in the last flood that we had We had manpower and we had aircraft working in the field at the time We set up the transport for the first mobile radio station into Yuba City. We primarily are charged with a kind of organizing detail on civil defense, which would assure that we get the maximum use from general aircraft. We are not concerned with the airlines. They have their own system. We periodically review the situation in terms of whether we have air lifts available for almost all purposes. We are charged at the moment with the State Defense Department with providing sufficient aircraft in the event of need to move the basic government units out of Sacramento should it become a fall-out area. We are also cooperating with the Transportation Division of the State Defense Commission in the development meetings which they hold all over the State. And several that we have attended have been out of the State.

"There have been some 16 meetings this last year, with various elements of the transportation field. Our primary function is fostering and projecting aviation. The Los Angeles City Council was all set to demand the C. A. A. restrict all flying in the city with the exception of military and commercial flying. I can assure you that this would have been a great blow to general aviation had this been enacted. If you can't come in or out of our cities, there is essentially no use of having an airplane. We feel that we were—and have documentation that we were—fairly instrumental in preventing the city council from taking such action. There are a number of such incidents that have occurred.

"In addition to these functions that we have outlined here before, we are charged with other branches of the State Government for services we perform for them. We answer all requests from any political subdivision where the State feels that we can be of some service. We have had over 200 of these calls this last year. Somebody from our organization has actually got to participate in such local problems.

"We participate in all aviation group meetings such as the Redwood Empire's Association, The National Aviation Distributors' Convention, the Quad City Meeting set up by the four chambers of commerce, the National Aviation Writers Association and the California Airport Executive Group. We are co-sponsors of the series that the University of California has sponsored on aviation problems. We have had two this year, one on financing and one on zoning. We have participated in C. A. A. Accident Commissions. The San Francisco, Los Angeles, San Diego, Ventura, and Santa Barbara Aero Squadrons, we have participated in, and we were the sponsors of the formation this last year, at the national level, of the National Flying Clubs Association which we feel is a definite aviation gain.

"There have been actually over a 100 such meetings that we have partaken in. For the most part this means my staff and myself are doing this at night. Frequently the travel is at night or on week ends to get there. I have traveled 150,000 miles this year. I have covered 115 speech requirements. There have been, in addition to these, 80 speech fulfillments to service clubs, Rotary groups and that sort of thing.

"We have one other function we feel to be of increasing importance that I would like to tell you about. We are highly concerned about the tremendous development in electronics. Everybody wants a radio that he can talk on himself. There are three companies asking for 27-foot towers on the end of Lindbergh Field. The people didn't know about it at the time. We find the Federal Government lopping on to great tracts of our air space. It's like money in the bank This is like timber or water and anything else. There is just so much of it. When it is gone it's gone, and we can't get it back. We find the Federal Government taking it for military purposes. In California they have more than they have in any other three or four states put together.

"We furnish information to the tune of about 10 or 11 inquiries every day on all kinds of technical problems. There seems to be a need for somebody to maintain a good aviation library. For example we get questions like, 'What is the best turf or grass or seed to use for airplane landing strips?' We get requests for, 'What is the best obstruction marking material?' and, 'What are the rules and regulations for obstructing marking material?' There are a great many of these things that come to us which we handle in the normal routine course of the day.

"At the moment we are three men and a girl, and to keep up with these basic things which are presently on the books, we have been frankly running with our tongues hanging out. Some months it runs 300 hours We have a Navy plane that has done the equivalent of 180,000 miles. We have one suburban panel truck. We have one office."

In discussing the need for a $2,000,000 revolving fund, **LeRoy Lampson, Chairman, California Aeronautics Commission,** said, "We can go into almost any airport and see as many as 100 airplanes worth from 10 to 30 thousand dollars sitting out in the weather because the airports do not have the hangars for these airplanes. We feel that in order to develop general aviation and the sale of aircraft we, as a state body, can loan the cities or counties sufficient money to erect these hangars at a low interest rate on a revolving fund basis so that the money will come back into the State. We feel that we will be doing general aviation a big service."

Forest Fiorini, Member, California Aeronautics Commission, emphasized that, "If the Legislature feels we perform a necessary function, they should in turn recognize their responsibility to provide the necessary funds. Where they come from is no concern of ours. Where they come from is their concern.

"I do feel that your committee should come up with a very definite recommendation as to the functions of the Aeronautics Commission. Now is the time, and we should spell out the duties of the commission. I believe that will probably do more good as far as the industry is concerned. It will bring us closer together."

Mr. Fiorini expressed the opinion that if the State is supplying funds for aviation development, they should be given some regulatory powers and not be regarded merely as an advisory servicing agency.

Bertrand Ryan, Los Angeles Chamber of Commerce, suggested that: "Aviation should become part of the state community and should have some kind of a compulsory liability insurance law. It is an obligation of aviation, I feel. It is an obligation of airplane owners to protect the people on the ground."

Mr. Ryan said he was referring to an aviation law requiring insurance. It would be similar to the Motor Vehicle Act which requires a $10,000 public liability policy. "From a state law standpoint," said Mr. Ryan, "I was also going to remark about what great concern there is concerning the loss of small airports; and that if federal funds could be administered on a state level, and if we are going to have that unrefunded gas tax, and if Los Angeles would get the same share that they now get but would have to funnel them into the acquisition of airports that are now being lost so we could have a public ownership of the flight strips, we would be accomplishing something I feel the way it is now being administered is wrong with respect to regulations."

Mr. Ryan, making it clear he was expressing his own opinion, declared, "Over the things with which it is concerned and charged by the Legislature such as opening of new airports, maintaining airports in a safe condition, the erection of towers, and other things that involve public safety and the good of aviation, I, for one, want to state that I feel that those things, that line of authority, are good."

Dr. Foster Merrill, Assistant Superintendent, Burbank City Schools, remarked, "Today I am also acting in the capacity of chairman of the Secondary School Administrators' Committee on Aviation, and I can speak on behalf of the committee particularly on this one topic of liability insurance. We believe we are living in an aviation world. We think we are in the center of it In Burbank we are interested in giving our students all the experience we possibly can to make them air-minded—give them an understanding of the scientific world in which they are living. As part of that course—it is really a very minor part, but a very important part—we provide four hours of what we call orientation flight in a licensed plane with licensed pilots, and the youngsters make certain preparations before they take this flight. The school district contracts with the carrier to provide planes He is a licensed aircraft vendor. In our case the Baird Company provides the pilot and the plane, and the students are scheduled in advance three of them at a time. The first flight is an hour orientation flight, and then a period of time elapses—anywhere from four to six weeks—after which they take their second flight which is what we refer to as a cross-country flight. For these flights the students have charted weather conditions, studied atmospheric conditions, where they are going to land, etc. Don't misunderstand me on this point. They do not operate the aircraft. Our intention is to give them experience in the plane and tie it in with the modern world.

"Our problem has been providing adequate liability insurance for the school district. Our committee has authorized me to say that on behalf of that committee—and it represents about 18 school adminis-

trators throughout the State of California—that we hope that through your efforts you are going to make it possible for the Aeronautics Commission to provide liability insurance for school districts on a state-wide basis and to provide some of the supervision for the safety aspect of the orientation flight.

"The school district pays for the insurance and the cost of instruction. It is rather prohibitive when it is operated in a single district basis. Where, in our case, we carry a liability insurance of $1,000,000 for the school district, our insurance agents have recommended that we carry the same for our four-hour flight program."

W. Earl Sams, Consultant, State Board of Education, declared that the State Department of Education considers the activity of the commission to be of infinite value.

Said Mr. Sams, "You may recall that Mr. Barnett said that the law requires any school site that is chosen within a two-mile distance of an airport has to be approved by the commission. Out of 75 applied for, 30 of those have been disapproved."

John Patterson, President, Patterson Aircraft Company, Sacramento, in discussing the services rendered by the Aeronautics Commission to the Lake Tahoe Aircraft Project, declared, "The Aeronautics Commission recognized the need for an airport in the Lake Tahoe area both for business and recreational and educational purposes. The Aeronautics Commission, on their own, surveyed the area and selected the safest and most practical site for an airport up there. Their next problem was to sell and convince the local board of supervisors that this was necessary and a good thing for the community. They undertook that project, and by personal conferences with these people and by attending six public meetings and by attending all the meetings of the board of supervisors for more than a year, we now have an airport in sight at Lake Tahoe.

One of the things about getting an airport constructed, of course, is the raising of necessary funds. The California Aeronautics Commission sponsored the idea of getting subscriptions to support the airport in order to match federal funds. They were able to get individuals to put up a total of $30,000 which in relation to some of the larger airports is not very much money, but it is terrifically important up there. They were able to get federal money to match this $30,000 and announcing the project is well under way with provisions in order to buy the lands.

"I would just like to tell you that as a businessman I am terrifically interested in having more places for my customers to go to, and this is a decided asset to have more airports in the State.

"The commission has certainly done a good job. In many instances local businessmen and farmers come to the commission to get information about how to go about constructing an airport. Somebody has to answer those questions, and there isn't one place in the State to find out the answers and how to go about doing this, except the Aeronautics Commission. We need a strong California Aeronautics Commission for getting more airports in the State."

Earl Woodley, Owner, Compton Airport, in discussing his problems as a private airport owner, declared his belief the commission should

have some authority. "I have always maintained that the trouble is they scared us out years ago when they wanted to tax the airplanes, tax the license, tax us right out of business. I believe the mechanic and the airplane pilot and the aircraft owner have come along to the place where they will understand it more now.

"The Edison Company said they were going to put a pole at the end of our runway. The commission said, 'We will try to get it out of there.' But they have no power. I think they should have the power of keeping obstructions away from airports. I think they should have some power so that if a man wants to stay in business, he could stay in business."

Robert Wanamaker, Chairman, El Monte-Los Angeles Airport, explained that the airport is privately owned and operated but open to the public. Mr. Wanamaker endorsed the work of the Aeronautics Commission, "With the closing of the Monrovia Airport about 1951, flyers in the area formed the San Gabriel Valley Airport Association. The purpose of that association was to establish, if possible, an airport behind the Santa Fe Dam. That presented a possibility of an airport runway not less than one mile long and possible further extensions. With that in mind we proceeded to enlist the services of the California Aeronautics Commission. They were very helpful. The services of their engineers were made available to us. They went on the grounds and first cleared it as a possible and satisfactory site from the point of view of California. They then went to the United States Army Engineers—the ground at that time and now being under the control of the United States Government through the United States Army Engineers—and were able to obtain a preliminary clearance of the site for use as an airport. I wish to say that I personally worked with the engineers and the members of the California Aeronautics Commission. They prepared maps, diagrams, pictures, and we personally prepared the petition that it was necessary to present to the County of Los Angeles in order to obtain a zoning variance because it was in the County of Los Angeles.

"I know that the members of that commission worked just as hard as anyone could possibly ever work in connection with any project. We had our coats off in my office in the preparation of that petition, and we did not take time out for lunch. It went on for a couple of days. It was complete with exhibits, and we wanted to be careful about our language and how we approached the subject. We worked real hard, and I can say that they really gave of their time."

Mr. Wanamaker also expressed approval of giving the commission "some regulatory powers."

John Longnecker, Vice President, Continental Sales and Service Company, declared: "I think the commission is excellent, and I think we need a supervisory and regulatory commission with the State of California. We have federal laws. I think the big birds—the commercial airlines and the nonscheduled airlines—are highly regulated by those groups. However, the rest of the segment of the industry is where we have the problem. I am certain that in my direct experience with the California Aeronautics Commission over a period of years we have been able to go to them and find a group who can help us with a prob-

lem and at least straighten out our thinking as it fits into the scheme of things in California. We feel that noncarrier aviation or private aviation must face some regulation in the future. What it is we don't know. Right now, it has been something that popped up somewhere, and then we try to put out the fire or else compromise it in some way. We do not feel that within the State, unless we can go to a group that has had a background in the problems of airports and industry in general aviation, we can possibly get action to grow with an industry that is lacking in all the facilities it needs for practical growth. We need people of professional stature, experience wise, that we can go to.

"I feel that the perpetuation of the California Aeronautics Commission, as such, will give us that sounding board and that group through which we can act. It will not only be good for our industry, but it will be good for the side on the general aviation level."

Queried Chairman McMillan, "Do you think the commission could do a much better job if they had more power pertaining to minimum safety requirements around airports?"

Mr. Longnecker replied, "I do, especially as it concerns the noncarrier and private business aviation. The airlines have a different problem Theirs is a commercial one that is closely tied into the C. A. A. and the C. A B. We feel through the commission, these problems can be resolved without having them become big primary issues."

CONCLUSIONS AND RECOMMENDATIONS

It is the opinion of the present commission and its new director that the California Aeronautics Commission is a much needed agency of our State Government with a worthwhile job to do. Your subcommittee concurs in this belief.

To enable the commission to perform its function, the director's suggestions for minimum increases in staff and equipment seem justified. The commission also should be granted at least some regulatory powers in the field of safety and zoning. Your subcommittee believes that the statements and testimony taken show it is impossible for the commission to function adequately without such adjustments.

REPORT OF THE

SUBCOMMITTEE ON BOXING AND WRESTLING

to the

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

LETTER OF TRANSMITTAL

January 31, 1957

HON. RALPH M. BROWN, *Chairman*
Assembly Interim Committee on Governmental Efficiency and Economy
State Capitol, Sacramento, California

DEAR CHAIRMAN BROWN: In accordance with your instructions, your subcommittee has pursued the investigation of the boxing and wrestling situation in California.

Your subcommittee held three hearings on this subject: one on October 17, 18, 19, 1955, in Los Angeles, California; a second on November 8, 1955, in Los Angeles, California; and a third on December 17, 1955, in Sacramento, California.

The attached report contains the recommendations of your subcommittee to the full committee.

Respectfully submitted,

FRANK G. BONELLI, *Chairman*
CLARK L. BRADLEY
RANDAL F. DICKEY
EDWARD E. ELLIOTT
A. I. STEWART

RECOMMENDATIONS

Following are details of major changes and considerations for deliberation by the entire Governmental Efficiency and Economy Committee:

No. 1—Remove wrestling "exhibitions" from jurisdiction of the State Athletic Commission. "Wrestling"—Legislative Counsel's Opinion No. 3068, requested by subcommittee chairman and received September 24, 1956, from Office of Legislative Counsel, reads in substance as follows:

"It is our opinion that the Legislature could remove wrestling from the jurisdiction of the State Athletic Commission and make it subject to general state laws and local ordinances without a vote of the people, the right to stage wrestling contests could not be prohibited without a constitutional amendment which would have to be approved by the electors."

Under the above legal opinion, fake wrestling exhibitions could be removed from the jurisdiction of the State Athletic Commission thereby eliminating the possible implication of anyone connected with the State becoming a party to a conspiracy. Legitimate wrestling matches, wherein there is the element of contest, could continue under the jurisdiction of the State Athletic Commission. Wrestling "exhibitions" would then be subjected to general state laws and local ordinances.

First, then would be to consider a recommendation to remove wrestling exhibitions from the State Athletic Commission's jurisdiction, thereby removing the farce now existent and the stigma which has been placed on the commission and the Legislature in condoning continuation of sham.

No. 2—Consider appointment of an administrator (czar) with well defined duties—appointed by the Governor, concurred in by the Legis-

lature, and removable in like manner. Administrator to receive directives from the Governor and Legislature and be answerable thereto in carrying out the duties and responsibilities of his office. Administrator to be separate and distinct and not ex officio member of the State Athletic Commission. This could be helpful in drawing a distinction between administrative and legislative intent. Administrator to be housed in State Capitol in Sacramento, with office and secretarial help required, and salary adequate to secure high caliber, capable, competent personage, established and approved by the Legislature. Entire cost of administrator's salary and operational costs to be chargeable to revenues received from present and future state income derived from boxing.

No. 3—Consider reducing membership on State Athletic Commission to three from present five members—should and would perform more effectively and accomplish more. Commissioners should receive adequate per diem for meetings and mileage for travel within the State. Said expenses also chargeable against revenues derived by the State from sport of boxing and wrestling contests, not "exhibitions."

No. 4—Consider taxing television, radio and live boxing shows to the extent needed to make State Athletic Commission administration self-supporting agency.

No. 5—Any promotor or matchmaker found guilty of managing a boxer shall have his license suspended or revoked, and in the case of a promoter his club license suspended or revoked.

No 6—Authorize the commission to assess fines within certain limitations. (Attorney General has ruled commission without power to assess fines.)

No. 7—Attorney General will set up standards to guide the commission in the granting of licenses to applicants who have records of a criminal nature.

No. 8—Any applicant for a license before the State Athletic Commission who has been convicted of selling narcotics should be denied for all time any license in boxing.

No. 9—The State Board of Medical Examiners shall set up standards to guide all club and examining physicians in their recommendations.

No. 10—Boxing clubs cannot pay a boxer or manager for services except in the presence of a state inspector, or other person authorized by the commission.

No. 11—Mandatory that referees meet at least every six months in each district to discuss rules and regulations and problems that have developed relating to refereeing in past six-month period. No further assignments to referee unless he participates in clinics.

No. 12—The chief inspector in each district shall be responsible for the investigation of all applicants for a license, and over his signature recommend the license be granted or denied Chief inspector shall submit to the commission his findings on denials and appeals before the commission. Denials to be based on standards set up by the Attorney General.

No. 13—All applications for club licenses or boxing managers' licenses must contain a true statement of all persons connected with such promotion or management. Licensee must submit for approval with

the commission any change at any time in the persons connected with any promotion or management, including stockholders in any corporate entity. All verbal or written agreements relative to promotion, management, or other matter pertaining to boxing under jurisdiction of the commission which are not filed with and approved by the commission shall have no force or effect.

No. 14—Any licensee accused of violation of the rules or regulations is entitled to a hearing with correct legal procedure governing boards and commissions of the State of California. A licensee shall not be suspended or have his license revoked without the right to public hearing in accordance with proper legal procedure. This would not apply in the case of injury or illness wherein it shall be left entirely to the discretion of the commission.

No. 15—Consider the feasibility of hiring or securing from available state agency the services of a full-time investigator responsible to the administrator, in lieu of turning to the underworld (as suggested by others) for leads on violations and irregularities taking place, and upon which, data and substantiation must be secured and available in effecting solution and correction.

These are clarifying examples of where changes to correct administrative and legislative defects may be accomplished through appropriate legislation at the 1957 Session and represent a positive forward step by California in meeting, through the State Legislature, an acceptable, objective solution.

REPORT OF THE

SUBCOMMITTEE ON HORSE RACING

to the

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

LETTER OF TRANSMITTAL

January 31, 1957

Assembly Interim Committee on Governmental Efficiency and Economy

Room 4140, State Capitol, Sacramento, California

GENTLEMEN: A subcommittee on horse racing of the Assembly Interim Committee on Governmental Efficiency and Economy was set up to study the Horse Racing Act and to consider recodification of same.

In this connection, this subcommittee hereby submits its report to the full committee for its consideration.

Respectfully submitted,

RALPH M. BROWN, Chairman
CLARK L. BRADLEY
REX M. CUNNINGHAM

FINDINGS

This subcommittee has requested and has received from the Legislative Counsel a recodification of the Horse Racing Law.

The present law is a compilation of many amendments to the law which have been added over many years. Various sections are interlocked and there is need for it being brought up-to-date.

Copies of the proposed codification have been sent to the various race tracks and others who have shown an interest in the subject.

A round robin letter from the race tracks is attached to and made a part of this report.

The tracks indicate an unwillingness to have the law simplified and brought up-to-date. One worry appears to be the lack of trust that the tracks have in the Legislature in codifying the law. The tracks are afraid that someone will offer an amendment to the law making some substantial change while it is in the process of passage. The tracks apparently are not very familiar with legislative process in spite of the many legislative advocates retained by them to watch out for legislation over the past many years

The tracks, however, have offered suggestions and amendments in language to the proposed codification and the members of the subcommittee are very ready and willing to go over these suggestions with the one thought in mind of codification of the law so that there is not one substantive change from the present law.

One track has written requesting withdrawal of its name from the round robin letter.

The subcommittee recommends one change in the charity sections which would add the word "association" along with corporations. When this amendment was passed there was no intention to exclude charitable associations by using the word "corporation." The Attorney General has issued an opinion which allows the word "association" to be used as a "corporation." The proposed bill on this subject has been introduced to make it clear in the law.

FEDERATON OF CALIFORNIA RACING ASSOCIATIONS, INC.
INGLEWOOD, CALIFORNIA, November 28, 1956

FRED H. RYAN
President
DONALD B. SMITH
Vice President
JAMES D. STEWART
Secretary-Treasurer

Assembly Interim Committee on Horse Racing
P. O. Box 1292, Modesto, California

Subject: Study of Proposed Recodification of the Horse Racing Law

GENTLEMEN: The Federation of California Racing Associations fully appreciates your effort and intent in recodifying the Horse Racing Law. All of us have the common purpose of desiring the best racing law possible. For this reason, the members of the federation, and a number of their individual legal counsels, have made a detailed study of the proposed recodification. For your information, the federation includes the managements of Hollywood Park, Santa Anita, Del Mar, Los Alamitos, Western Harness, Bay Meadows, Tanforan, Golden Gate Fields, Western Fairs and the California Horse Racing Association.

This study was made with two purposes in mind: (1) to compare the proposed language with the present act to be certain that there is no change in effect or meaning; and (2) to determine whether or not the proposed language is clearer and more understandable than that used in the present law.

Our general conclusions are that the draft of the proposed recodification does not fulfill either of the two aforementioned requirements. Specifically, we have found many instances in the draft where the meaning and intent is not the same as in the present act and some of these are set forth in the accompanying data. For the most part the language modifications fail to improve the clarity or to simplify the law, and in a number of cases the new language is more vague and less understandable. In many sentences the same words were used but were rearranged without accomplishing anything. Additionally, a number of sections have been changed as to location with little improvement or for no apparent reason.

Continuing in the category of general comments, an attempt has been made to bring the definitions of terms used throughout into one section at the beginning of the act. This in theory might appear to be a good idea but actually makes usage and interpretation of individual sections of the act more difficult. Furthermore, a number of terms peculiar to this industry are not included, such as "thoroughbred racing" and "pari-mutuel." Incidentally, this term is used as "pari-mutuel," "mutuel" and "mutual" in various parts of the act. "Breakage" is not defined in this section and "pari-mutuel pools" is not defined nor is its use consistent throughout the act.

From an over-all viewpoint it is the federation's opinion that this recodification has not accomplished the objectives stated by your committee and we, therefore, again urge you to abandon this proposed recodification and leave the racing act in its present form. We want to

re-emphasize our previous recommendation to your committee that the racing law be retained as is because in its present form it is clear and concise, and it has been tested and proved over a period of years. Furthermore, we are not aware of any demand or support for recodification by any person, group or organization affected by the act, or by any segment of the general public.

Because of the great amount of study that has been done by us, we are calling to your attention in detail the comments and conclusions that we have reached on the individual sections where we have objections. The attached comments, mentioned previously, are a summary of the studies made by the various federation members.

Very truly yours,

FEDERATION OF CALIFORNIA RACING ASSOCIATIONS, INC.

LOS ANGELES TURF CLUB
By GWYNN WILSON

HOLLYWOOD TURF CLUB
By JAMES D. STEWART

PACIFIC TURF CLUB
By W. EVERETT for
C RAY ROBINSON

WESTERN HARNESS RACING ASSN.
By PRESTON H. JENUINE

LOS ALAMITOS RACE COURSE
By FRANK VESSELS, SR.

Operating Company, DEL MAR TURF CLUB
By DONALD B. SMITH

TANFORAN COMPANY, LTD.
By FRED H. RYAN

CALIFORNIA JOCKEY CLUB
By WM. B. HORNBLOWER

WESTERN FAIRS ASSN.
By LOUIS S. MERRILL

CALIFORNIA HORSE RACING ASSN.
By DR. WILLIAM J. WARD

REPORT OF THE

SUBCOMMITTEE ON MAINTENANCE GARDENERS

to the

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

4—L-4720

LETTER OF TRANSMITTAL

January 31, 1957

HON. RALPH M. BROWN, *Chairman*
Assembly Interim Committee on Governmental Efficiency and Economy
State Capitol, Sacramento, California

DEAR CHAIRMAN BROWN: In accordance with your instructions, your subcommittee has undertaken the study of Assembly Bill No. 1671 (Maloney), relating to maintenance gardeners, providing for the regulation and licensing thereof and making an appropriation therefor.

Your subcommittee held two hearings on this subject: one on October 26, 1955, in San Francisco, California, and a second on December 22, 1955, in Los Angeles, California.

The attached report contains the findings, conclusions and recommendations of your subcommittee.

Respectfully submitted,

JAMES L. HOLMES, *Chairman*
FRANK G. BONELLI
ERNEST R. GEDDES

FINDINGS

The proponents of the bill were interested in licensing maintenance gardeners mainly because of the fact that landscape gardeners are licensed at the present time and they felt that regulation and licensing of maintenance gardeners would raise the standards of the profession. That maintenance gardeners should be required to have a certain amount of knowledge, training and experience in the art of lawn care, soil preparation, pruning of trees, and the proper use of sprays. That regulation and licensing would provide for the home owner protection against improperly trained, incompetent gardeners. That there should be some separation between qualified gardeners and the man who works at gardening in his spare time, or the youth who works at gardening during summer vacations.

The opponents of the bill definitely felt that regulation and licensing of maintenance gardeners would not raise the standards of the profession. That this should be done through cooperative efforts of voluntary gardeners' associations now in existence. That such associations could sponsor educational programs whereby current information could be disseminated. That many gardeners would be eliminated if it were mandatory to pass an examination in order to enter this field. That obtaining a license would increase the cost of operation to the gardeners and would, of necessity, be passed on to the home owner.

NOTE: With the exception of one letter which was presented at the San Francisco hearing on October 26th, not one member of the public whose health, welfare and safety were being considered appeared before the subcommittee to express dissatisfaction. On the other hand, over 100 letters were received by the subcommittee from the public voicing their satisfaction with present gardening conditions and opposed to legislative control in this field.

CONCLUSIONS AND RECOMMENDATIONS

For the following reasons, it was the concensus of the subcommittee that sufficient proof of need of state jurisdiction over maintenance gardeners had not been presented at either hearing to warrant the adoption of Assembly Bill No. 1671:

1. That setting up and operating a new agency to regulate and license gardeners would be a needless expense to the State and the taxpayer alike.

2. That the standards of the profession would not necessarily be raised as many persons who take to gardening naturally would be eliminated through mandatory examinations. Elimination of these gardeners would very likely be a great loss to the profession.

3. That the increased cost to gardeners of procuring a license would be passed on to the home owner.

4. That the health and welfare of the public are not involved and therefore they would derive no benefit from enactment of such legislation.

5. That such regulation of maintenance gardeners would cause undue hardship and unemployment in the advanced age bracket and among students in high schools and colleges resulting in further burden to the State.

6. That a better job could be accomplished through voluntary gardeners' associations than through legislation. By setting their own standards, regulating them, possibly acquiring a seal or trademark, bringing disciplinary action against their members, and by sponsoring educational programs, such associations could solve their own problems.

REPORT OF THE

SUBCOMMITTEE ON PHOTOGRAPHY

to the

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

LETTER OF TRANSMITTAL

January 31, 1957

HON. RALPH M. BROWN, *Chairman*
Assembly Interim Committee on Governmental Efficiency and Economy
State Capitol, Sacramento, California

DEAR CHAIRMAN BROWN: In accordance with your instructions, your subcommittee has undertaken the study of Senate Bill 330 (Donnelly), relating to the photographic industry.

Your committee held two hearings on this subject: one on November 28, 1955, in Sacramento, California, and a second on May 21, 1956, in Ventura, California.

The attached report contains the conclusions and recommendations of your subcommittee.

Respectfully submitted,

REX M. CUNNINGHAM, *Chairman*
PATRICK D. MCGEE
JACK SCHRADE

CONCLUSIONS AND RECOMMENDATIONS

Considerable testimony was gathered at these two hearings from which the subcommittee agreed upon the following:

1. That Senate Bill No 330 is too broad in scope and is not the entire answer to the problem. Therefore, it should not be reintroduced in its present form.
2. That the bill does not contain any provisions for enforcing the rules and regulations set out therein.
3. That such a bill would set a precedent for additional legislation in other fields where similar abuses are being perpetrated.
4. During the course of the testimony the subcommittee held a discussion of the possibility of appointing one state agency to regulate and control all such fields. This matter should be given further study and consideration.
5. The proponents of the bill do not consider Senate Bill No. 330 the entire answer to the problem and at the present time are reworking the provisions in order to make the bill practical and workable. This matter should also be given further study and consideration.

REPORT OF THE

SUBCOMMITTEE TO INVESTIGATE STATE MERIT AWARD SUGGESTION RE HIGH-TENSION POWER TRANSMISSION

to the

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

LETTER OF TRANSMITTAL

January 31, 1957

HON. RALPH M. BROWN, *Chairman*
Assembly Interim Committee on Governmental Efficiency and Economy
State Capitol, Sacramento, California

DEAR CHAIRMAN BROWN: In accordance with your instructions and pursuant to House Resolution No. 261 of 1955, your subcommittee has pursued the investigation of the suggestion made to the State Merit Award Board, that the State undertake the construction of a high-tension power transmission network in Northern California to serve many but not all of the state institutions in that part of the State, with power to be purchased from the Central Valleys Project Authority. Initial investigations were made by the staff of the Legislative Auditor's Office on a contract arrangement with your subcommittee and a hearing was held on July 17th to develop all the facts in the case. The report attached herewith contains the findings, conclusions and recommendations of your subcommittee.

Respectfully submitted,

ERNEST R. GEDDES, *Chairman*
FRANK G. BONELLI
LESTER A. MCMILLAN

ASSEMBLY HOUSE RESOLUTION No. 261

On June 8, 1955, the Assembly adopted House Resolution No. 261 as follows:

"Relative to the State of California taking service from Central Valley power lines at the junction of Highway 40 direct from the Bureau of Reclamation.

"WHEREAS, There was filed with the State Merit Award Board in March of 1954 an employee's suggestion in the following language:

"In view of the increasing fixed cost of state institutions, and in appreciation of the fact that the officials of the State are endeavoring to run the State on a business-like basis, this suggestion is tendered with the realization due to my background of building electrical distribution systems at various state institutions, that a gross saving of approximately $562,000 annually could be saved by the expenditure of $3,500,000 by the State for transmission lines and substations which would serve the following institutions at savings indicated:

Institution	*Annual saving*
Sacramento State Office Buildings	$125,000.00
University of California at Davis	40,000 00
California Medical Facility at Vacaville	30,000.00
Napa State Hospital	35,000.00
Veterans' Home	12,000.00
Sonoma State Hospital	25,000 00
California Maritime Academy	3,000.00
Carquinez Bridge	2,000.00
University of California at Berkeley	100,000.00
University of California Field and Engineering	10,000.00

Institution	*Annual saving*
California Schools for Deaf and Blind, Berkeley	30,000.00
San Rafael-Richmond Bridge (New)	3,000.00
California State Prison at San Quentin	40,000.00
San Francisco-Oakland Bay Bridge	7,000.00
San Francisco State Agencies	100,000.00
	$562,000.00

Transmission facilities would consist of the following:

a. Main substation on Highway 40 to tap the facilities of the Central power line of 230,000 volts (40,000 k.v.a. capacity)		$700,000.00
b. Approximately 150 miles of 60,000-volt lines with wire, steel poles, insulation, etc., at $10,000 per mile. Installed cost		1,500,000.00
c. Unit substations to transformers; 69 kv. to distribution voltage		435,000.00
Sacramento State Buildings	$75,000.00	
University of California at Davis	40,000 00	
California Medical Facility at Vacaville	40,000 00	
Napa State Hospital	30,000.00	
Veterans' Home	20,000.00	
Sonoma State Hospital	30,000.00	
California Maritime Academy and Carquinez Bridge	10,000.00	
University of California at Berkeley and California Schools for Deaf and Blind	100,000.00	
University of California Field and Engineering	20,000 00	
California State Prison at San Quentin and San Rafael-Richmond Bridge	40,000 00	
San Francisco-Oakland Bay Bridge and San Francisco State Agencies	30,000.00	
Total	$435,000 00	
d. Additional distribution systems		
Sacramento State Office Buildings		
Cables		100,000.00
Transformers		120,000 00
San Francisco State Agencies		
Cables across bridge		125,000 00
Distribution system		250,000.00
California State Prison at San Quentin		
Cable over bridge		90,000.00
Balance of institutions		50,000.00
		$735,000.00

RECAPITULATION OF COSTS

Main substation	$700,000.00
150 miles overhead lines	1,500,000.00
Unit-substation	435,000.00
Additional distribution systems	735,000.00
Miscellaneous costs	130,000 00
	$3,500,000.00

"It is proposed that the State take service from Central Valley power lines at the junction of Highway 40 direct from the Bureau of Reclamation, transforming from 230 kv. to 69 kv. at this point. The 69-kv. line can be connected to an existing 69-kv tap belonging to the Bureau of Reclamation where the proposed line would cross it to serve the University of California at Berkeley, thereby providing a loop which could be supplied from either end enabling the lines to be sectionalized from either end to repair any part of the overhead services.

"Plans and studies are being made to inter-tie Oregon and California power facilities. This will give reasonable firm power with greatly improved standby features for CVP power

"It is possible by acting at once for the State to obtain the 30,000 KW capacity presently held by the State of Nevada (which will be or could be had by bringing pressure to bear, as this power is not used by them) on a year to year basis; and as there seems to be little likelihood that this contract will be renewed July 1, 1954, the State should obtain it, as it will meet the requirements for the transmission system proposed; and

"WHEREAS, Nothing appears to have been done to thoroughly investigate and report on this matter to the Legislature; and

"WHEREAS, A proper interim committee of the Assembly may render a worthwhile service by going into the subject matter of this resolution; now, therefore, be it

"*Resolved by the Assembly of the State of California,* To refer this matter to an interim committee which it deems most proper to conduct a fair and impartial investigation and which shall make a recommendation respecting the proposal not later than the tenth legislative day of the 1956 Regular Budget Session of the California Legislature.

"Resolution read, and ordered referred to the Committee on Rules."

It was found not possible to perform the investigation and hearings required by the resolution in time to submit a report to the 1956 Legislature. Therefore, on March 14, 1956, the reporting date was extended to the 1957 Legislature.

Existing Wheeling Agreements

Since 1950 state officials had been actively aware of the possibilities of savings to be made in power costs at state institutions, by various methods. In that year the Department of Finance employed a firm of consulting utilities engineers, the Utilities Control Service of San Francisco, to make surveys in various state institutions and in the State's installations in the City of Sacramento for the purpose of determining practical means of effecting savings in power. Also, at about that same time, while the State Division of Architecture was engaged in designing a power distribution system at Folsom State Prison, the engineer assigned to the work by the division was approached by the Federal Bureau of Reclamation with the idea of using federal power at Folsom State Prison and other state institutions by the so-called "wheeling" method. This would have entailed the use of the local facilities of the Pacific Gas and Electric Company as a carrier for the federal power for which the utility would have received a nominal fee. This, together with the cost of federal power, would have been less expensive than direct purchases from a public utility. Subsequently, such "wheeling" agreements were made for Folsom State Prison and the Deuel Vocational Institution at Tracy. A like arrangement was under consideration for the new California Medical Facility at Vacaville, but because that institution was still under construction, an agreement was never reached and subsequently no surplus federal power was available.

The idea of a state constructed and owned high tension power transmission system was first submitted to the State Merit Award Board on March 25, 1954, by Mr R. Lee Jamieson, an Associate Electrical Engineer of the State Division of Architecture. Although this was a distinct departure from the idea of utilizing federal power by "wheeling" agreements, the findings of the State Merit Award Board were to the effect that the basic idea was similar to the "wheeling" arrangements and hence the suggestion was rejected for award purposes on the premise that the State was already actively engaged in making studies and investigations of a similar nature. Subsequently, the suggestion became known to members of the Assembly and House Resolution 261 of 1955 resulted. (* See footnote.)

Proposed State Ownership

As set forth in H.R. 261, the suggestion made to the State Merit Award Board proposed that the State undertake to construct a power distribution network by which it could distribute to a number of state agencies in North Central California, including the state office buildings in the City of Sacramento, power purchased from the Central Valley power system operated by the Federal Bureau of Reclamation. The basis of this suggestion was that the total cost of power so purchased, plus the cost of operating and maintaining the network would be less than purchasing power directly from regular public utility systems in that the capital invested in the state-owned distribution network would be amortized within a period of from five to ten years and that thereafter the reduced cost would represent a positive annual savings to the State.

The proposal as originally made involved a network which would supply power to state office buildings in Sacramento, the University of California buildings at Davis, the California Medical Facility at Vacaville, Napa State Hospital, Veterans' Home, Sonoma State Hospital, California Maritime Academy, the Carquinez Bridge, the University of California at Berkeley, the University of California Field and Engineering Station at Richmond, the California Schools for the Deaf and Blind in Berkeley, the new San Rafael-Richmond Bridge, San Quentin State Prison, the Oakland-San Francisco Bay Bridge, and state office buildings in San Francisco at an estimated annual savings of $562,000. Power was to be obtained from the Central Valley Project where it intersects Highway 40 near Davis, at which point a state-owned transformer station would reduce the voltage from 230 k.v. to 69 k.v. for transmission by the state network.

* Footnote concerning testimony of Mr. Wise representing the State Merit Award Board: Mr Wise stated that the Merit Award Board operates under the control and rules of the State Board of Control which dictates the policy that when a subject is under active consideration by a state agency a merit suggestion covering substantially the same subject, when submitted must be turned down for award purposes The proposal made by Mr Jamieson was based on the concept of using federal power by one means or another, a subject which was then under active consideration by the Department of Finance. Since the Merit Award Board has no technical staff but must refer suggestions to appropriate state agencies for analysis it became obvious that this suggestion could not be referred to the Department of Finance in view of the fact that the department was then actively considering ways and means of using federal power.

State Cost. The cost of the network was estimated at $3,500,000 consisting of $700,000 for a main substation, mentioned above, $1,500,000 for approximately 150 miles of installed 69 k.v. transmission lines, $435,000 for unit substations to transform the 69 k.v. network current to local distribution voltages, the substations to be located near the institutions enumerated above, and $735,000 for auxiliary distribution facilities such as cables and transformers for the Sacramento state buildings, bridge crossing cables and distribution systems to serve the San Francisco state offices and a bridge cable to serve San Quentin State Prison; and finally $130,000 for miscellaneous costs.

At the time the suggestion was made no additional surplus federal power was available as evidenced by the fact that no more could be obtained for "wheeling" agreements. However, it was suggested that the State undertake to influence both the State of Nevada and the Federal Bureau of Reclamation to the end that the State of Nevada would relinquish its rights to 30,000 kw. of power which had been committed to it by the Bureau of Reclamation under contract but which the State of Nevada was unable to transmit and use. As a practical matter, this 30,000 kw. of power was being sold by the Bureau of Reclamation to the Pacific Gas and Electric Company on the basis that at any time the State of Nevada could use it the Pacific Gas and Electric Company would relinquish it. Despite the fact that the State of Nevada was not using the power which had been reserved for it, this power could still not be considered as surplus for firm allocation to another user or users as long as it was committed under a firm contract.

That substantial savings to the State were potentially possible at least by "wheeling" agreements is evidenced by figures obtained from Folsom State Prison and Deuel Vocational Institution. From August 1, 1955, to July 31, 1956, the total cost of "wheeled" power at Folsom State Prison was $34,977.82. It has been estimated that the same amount of power obtained from the Pacific Gas and Electric Company under the rate schedule applicable to that institution would have cost the State $68,221.03. This would indicate a saving of $33,243.21.

For approximately the same period the cost of "wheeled" power at Deuel Vocational Institution was $24,536.65. The same quantity of power obtained from the Pacific Gas and Electric Company on the rate schedule applicable to this institution would have cost the State $49,942.36, which would indicate a saving of $25,405.71.

The suggestion made by Mr. Jamieson that the state construct and own its own distribution network was based on the assumption that the charges paid to the public utility for "wheeling" the federal power would more than offset the State's investment in the system.

Testimony Before Subcommittee

On July 17, 1956, the subcommittee conducted a public hearing for the purpose of receiving testimony on the proposal contained in House Resolution No. 261. In addition to Mr. Jamieson there were present representatives from the Federal Bureau of Reclamation, the Pacific Gas and Electric Company, the Sacramento Municipal Utility District, the State Merit Award Board, the State Department of Finance, the State Division of Architecture and the Public Utilities Commission.

Revised Proposal. In his appearance before the subcommittee Mr. Jamieson submitted a revised proposal which was substantially more costly than the original proposal but which also showed substantially greater savings. The buildings and institutions to be served were approximately the same as the original proposal. However, based on expansions in these institutions since the original proposal was made and with certain anticipated future additions to the State's plant included, the total saving was estimated at $1,175,330, consisting of $725,023 resulting in the change from the Pacific Gas and Electric Company rate schedule to the Central Valley power rate schedule, $147,001 resulting in the change from the Sacramento Municipal Utility District rate schedule to the Central Valley power rate schedule, $150,000 resulting from future construction when supplied by public utility as against the same power demand when supplied by the Central Valley project, and $153,306 resulting from the integration of all of the consuming units into one system. The latter figure was based on the assumption that a substantial saving would result from the fact that the Central Valley power rate schedule uses a 30-minute maximum decrease period per month to establish the billing demand as compared with a 15-minute period used by Pacific Gas and Electric. A further important factor in this additional saving was that the combination of approximately 40 load centers into one system drawing from one or two points on the Central Valley power network would show a total maximum demand which would be considerably less than the sum of the individual maximum demands.

The design of the system was proposed to be changed somewhat in that power would be taken from a point northeast of the City of Sacramento where a substation would be constructed to transform the 230-kv. Central Valley power to 120 kv. for State distribution instead of 69 kv. as in the original proposal. In addition, the system would be looped by virtue of the fact that a tap would be taken at the Tracy pumping station where 120-kv. power is available. This would make a complete loop from Sacramento to the Tracy pumping station, picking up the various state institutions along the route and making it possible for them to be served with power from either direction.

The cost of this system was revised to $7,500,000 consisting of $4,650,000 for the main distribution line, $650,000 for the main substation to the northeast of Sacramento, $500,000 for the subnetwork necessary to supply the Sacramento State Buildings, $975,000 for the loop tie-in from Tracy to the University of Berkeley, $100,000 for a carrier current control system and $300,000 for a possible alternate bay crossing using 120-kv. oil-filled cable.

The proponent pointed out that the character of the service that would be available to the State with its own network would be substantially similar to that which it receives from present purchases It was pointed out that the supply of Central Valley power is tied in with other privately owned utility systems so that each "backed up" the other in the event of serious power outages or failures.

The costs of the system as described by the proponent, included certain arbitrary estimates for acquisition of rights of way and easements particularly over the open countryside. However, there appeared to be no clear-cut estimate of costs for easements and rights of way within

the Cities of San Francisco and Sacramento. In fact, there appeared to be some question as to whether the State would be able to acquire such easements and rights of way within the two cities.

In connection with the acquisition and construction of such a system by the State of California, members of the subcommittee expressed doubts as to the economic and political propriety of such an action. A question was raised whether it was proper to establish such a large capital system on a nontaxpaying basis. Also, a question was raised as to the propriety of placing an increased economic burden on the remaining privately owned utility system which would have to spread the cost of its system over a smaller base as a result of the removal by the State of a large portion of its revenue-producing power sales.

Federal Bureau of Reclamation. The Federal Bureau of Reclamation through its representative Mr. Martin H. Blote, Superintendent of Operations for Region II, stated, upon direct question, that the Bureau of Reclamation had no surplus power to sell to the State for purposes of transmitting it over a state-owned network. He stated that the bureau has available a total of 450 megawatts of firm power, all of which is allocated and covered by contracts now in force. Furthermore, there appears no likelihood of additions to the available power in the very near future. The bureau reiterated, unequivocally, that it had no surplus power to sell to any buyer whether to be used by "wheeling" or by specially built transmission lines.

Sacramento Municipal Utility District. The Sacramento Municipal Utility District represented by Mr. James K. Carr, Assistant General Manager, made the statement that it has a firm contract with the Bureau of Reclamation, still having 38 years to run, by which it was granted the sole right to distribute federal power within its established distribution area. This would mean that even in the event that the Bureau of Reclamation had some surplus power to sell the State, it could not permit the State to use that surplus power over its own network within the area served by the Sacramento Municipal Utility District. This would hold true whether the power were to be purchased and "wheeled" or purchased and transmitted over a state-owned line.

Pacific Gas and Electric Company. The Pacific Gas and Electric Company was represented by Mr William R Johnson, Chief Electric Generation and Transmission Engineer. The statement was made that the engineering department of the Pacific Gas and Electric Company had originally reviewed the plan as proposed in House Resolution No. 261, which involved a 69-kv. system. Their analysis indicated that the cost would be approximately 2¼ times greater than the cost estimate indicated in the proposal. In effect, its estimate would be in the neighborhood of $8,000,000 as compared with the original estimate made in the proposal of $3,500,000. Furthermore, it was the opinion of the engineering staff of the Pacific Gas and Electric Company that the maintenance and operation costs plus depreciation and interest on the capital investment would exceed the annual savings shown in the statement set forth in House Resolution No. 261. It was also the opinion of the company that the plan as shown at that time would not provide as great a degree of service continuity as that being supplied by the com-

pany at present. While the engineering staff of the Pacific Gas and Electric Company had not had an opportunity to review the later proposal for a more expanded system, it was the opinion of the representative of the company that the cost of that system would be substantially greater than estimated by the proponent. However, he was not able to say how much greater. It was pointed out that one of the major factors in providing the high continuity of service rendered by the Pacific Gas and Electric Company was the fact that its system was comprised of 60 percent of steam generating capacity and only 40 percent of hydroelectric generating capacity so that the company was never dependent entirely on a hydroelectric source which could fluctuate in response to weather conditions.

State Division of Architecture. The State Division of Architecture was represented by Mr. C. A. Henderlong, Chief Electrical Mechanical Engineer for the division. He expressed the opinion that at the time the proposal was originally made he did not believe that the cost of $3,500,000 was adequate for construction of such a system. He stated that the Division of Architecture had not made a study of the proposal because the cost involved would approximate $50,000. At the time the proposal was first made, Mr. Henderlong stated he estimated that the cost of the system might run as high as $9,000,000 or $10,000,000 based on his knowledge of the high cost of underground construction which would be necessary in cities like Sacramento and San Francisco. It was also pointed out that the Division of Architecture has had no previous experience in constructing high-voltage overland transmission systems and that in all probability the Division of Architecture might not be in a position to make the necessary studies and that it would probably require the employment of an engineering firm specializing in public utility work.

Public Utilities Commission. The Public Utilities Commission of the State of California was represented by Mr. Robert W. Beardslee, Senior Utilities Engineer. He stated that in his opinion, having followed the testimony before the committee, that a very fair and thorough investigation had been made and that the questions raised by members of the committee were well founded and to the point. He agreed that the possibility existed that if a large block of power sales were to be taken from a large public utility that it might conceivably be forced to spread its cost over its remaining customers and thereby raise its rates to them. He also expressed the opinion that a very extensive study would be required to determine whether all the facts were as represented by the proponent.

FINDINGS AND CONCLUSIONS

Your subcommittee has reached the following conclusions and makes appropriate recommendations for action by the full committee:

1. The unequivocal statement made by the Bureau of Reclamation to the effect that there is no surplus power available to sell to the State makes academic any concept of a state-owned and -operated power transmission network and the supposed opportunities for savings in the cost of power consumption.

2. The savings to the State made possible by a state-owned and -operated power transmission network would be offset to an unknown degree by the cost of maintenance, operation, depreciation and interest on the capital investment.
3. Accurate estimates of cost for the construction of a state-owned power transmission network could not be arrived at except by an adequate and costly study.
4. It is the opinion of this subcommittee that in the absence of any guaranteed supply of power for transmission over a state-owned high-voltage network, that there exists no justification for pursuing the suggestion of such a network any further, particularly since accurate data would involve the expenditure of as much as $50,000.
5. Expert testimony would appear to indicate that the actual cost of such a system would be several times greater than estimated by the proponent.
6. The State Division of Architecture and state administration generally have had no previous experience either with the design and construction of a high-voltage transmission system or its maintenance and operation.
7. The possibility exists that the state ownership and construction of a high-voltage transmission network using federal power might occasion an economic loss to privately owned public utilities of sufficient magnitude to cause the costs of the utility operation to be increased to the remaining consumers, thereby posing a practical question as to the propriety of the State's entry into the field.
8. The State Division of Architecture and the Pacific Gas and Electric Company both maintain that the caliber of the service available to state institutions from a state-owned and operated high voltage power transmission network would be of a lesser quality than that available through the customary services of the privately owned public utilities.
9. Savings already being made by the State through the use of the so-called "wheeling" process are now of a substantial magnitude at Folsom State Prison and the Deuel Vocational Institute. This method involves no capital investment on the part of the State, nor does it involve any of the problems incident to the ownership and operation of a high voltage transmission network.
10. The State of Nevada has a contract with the Bureau of Reclamation for an allocation of 30,000 kw. of power which it is not able to use due to the lack of transmission facilities. This power is now being allotted to the Pacific Gas and Electric Company on a basis that requires immediate relinquishment in the event that the State of Nevada desires to make use of it.
11. Several governmental agencies, particularly the City of Roseville, are presently attempting to achieve the relinquishment of this power and a reallocation to other preferential customers.

RECOMMENDATIONS

In view of the foregoing it is a recommendation of the subcommittee that the concept of a state constructed, owned and operated high voltage transmission network be considered impractical and unfeasible at this time. Furthermore, in view of the substantial savings possible through the use of "wheeling" agreements, it is recommended that a resolution be introduced in the Assembly requesting the State Department of Finance to undertake, by every means at its command, negotiation for the relinquishment of Nevada's unused allocation of power to the end that it be reallocated for transmission to other state institutions on "wheeling" agreements.

REPORT OF THE

SUBCOMMITTEE ON SECRECY IN STATE GOVERNMENT

to the

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

LETTER OF TRANSMITTAL

February 20, 1957

HON. RALPH M. BROWN, *Chairman*
Assembly Interim Committee on Governmental Efficiency and Economy
State Capitol, Sacramento, California

DEAR CHAIRMAN BROWN: Your Subcommittee on Secrecy in State Government has contacted the various agencies in the State of California and herewith submits its report based upon excerpts from replies of these agencies.

Bills covering this subject have been introduced but are not set out fully in the attached report.

Respectfully submitted,

CARLOS BEE, Chairman
EDWARD E. ELLIOTT
HAROLD K. LEVERING
RALPH M. BROWN, ex officio

FINDINGS

Prior to the introduction of proposed legislation requiring that meetings and records of various governmental and administrative agencies and boards be made open to the public, the following letter was forwarded to all heads of departments, boards and commissions of the State of California:

November 15, 1956

TO: All Heads of Departments, Boards and Commissions
State of California

GENTLEMEN: Please be advised that the following amendments to the California Code Sections governing your department, board, or commission are now under consideration by the Subcommittee on State Secrecy of the Assembly Interim Committee on Governmental Efficiency and Economy.

> All meetings of the board shall be open and public and all persons shall be permitted to attend any meetings of the board.
>
> All records of the board shall be open to inspection by the public during regular office hours.

Your suggestions, comments and criticisms are invited. Please forward all replies to Bette Coffey, Secretary to the Committee, Assembly Post Office Box 30, Sacramento 14, California, on or before December 1, 1956.

Very truly yours,

(Signed) CARLOS BEE, Chairman
Subcommittee on State Secrecy

Numerous replies, some favoring, some opposing, and many reflecting a mixed reaction were received. These replies are summarized as follows:

Board of Nurse Examiners (Ruth Esther Feider, R.N., Executive Secretary)

Meetings

Meetings of this board have always been open

Records

Its records have always been available to the public.

Secretary Feider further advises that the board "has no criticism of the proposed amendments and no further comment."

State Board of Accountancy (Glen Whalen, Secretary)

Meetings

All of the meetings of this board are open to the public.

Records

All of the records are available for inspection during office hours.

Mr. Whalen adds that "We have no further suggestions, comments, or criticisms but would be happy to furnish you with any information upon your request."

Board of Landscape Architects (William E Barbeau, Executive Secretary)

Meetings

The board has in the past operated on the basis that all meetings of the board are open to the public, and all persons are permitted to attend any such meetings of the board "with but one exception, and that is when the board meets to prepare, correct and grade examination papers, or discussions relative to examinations."

Records

Records of the board are open to the public "with the exception of examination material." The corrected examination papers are made available only to the examinee in order that he might review his work. The correspondent, Mr. Barbeau, offers the opinion that the examination itself should not become public until at least twelve months have elapsed from the time of examination, and then only when the portion of the examination made open to the public will not be utilized by the board in future examinations.

Board of Registration for Civil and Professional Engineers (J. Douglass Locke, Executive Secretary)

Meetings

Mr. Locke relates that during the six years he has been with this agency only one request by an individual to be present at a meeting of the board has been received. However, without further correspondence, it is difficult to ascertain whether the meetings of the board are open to the public and incidentally, whether the request mentioned above was granted.

Records

It is further noted by Mr. Locke that, "This agency has three items which, if the material and information are made public would, I believe, be a mistake." The items referred to include: (1) the preparation and conduct of examinations, (2) investigational reports, and (3) references in connection with professional employ-

ment. All three are directly related to important functions of the board.

While it is not clear from the text of the reply, it may be reasonable to assume that since the board, through its speaking representative, believes that the three items enumerated above should not be records open to the public, that they would likewise object to meetings open to the public when any of the said items were to be discussed.

Mr. Locke offers the suggestion that "* * * if legislation was enacted so that records by this or other agencies be made public, the agency to be given the discretion through adoption of a board rule as to what material or information would be kept confidential. In this way the individual problems of the board could be better determined and as each board rule must be adopted through a public hearing, the public would have the necessary opportunity to individually appear or protest as necessary."

Contractors State License Board (E. W. Ford, Registrar of Contractors)

Meetings

The opinion of the correspondent, E. W. Ford, and the consensus of the members of the Contractors State License Board is that all meetings of the board should be opened to the general public, and all persons should be entitled to attend such meetings. Certain exceptions are suggested, such as, when the board is reviewing examinations or examination material, or other matters that must of necessity be kept confidential. The nature of these "other matters" is not explained.

Records

The availability of the records of this board are governed by Section 7080 of the Business and Professions Code. This section provides for public inspection of an indexed record of applications for licenses, licenses issued, licenses renewed, cancellations and suspensions of licenses.

Mr. Ford states, "* * * the agency does not feel that certain confidential records should be opened to public inspection, such as investigation reports, interoffice memoranda, and correspondence in connection with investigations."

He adds, "The agency has previously secured an opinion from the office of the Attorney General in Los Angeles in February, 1945, wherein the Attorney General advised the agency as to what were considered to be public records of the agency, advising that all records other than those enumerated in his opinion would be private and confidential."

Board of Funeral Directors and Embalmers (George L. Nielsen, Executive Secretary)

Meetings

No direct comment.

Records

Mr. Nielsen suggests that the following be restricted from public inspection:

(1) Complaints and investigations being processed and not completed or acted upon by the executive secretary and/or the board.
(2) Examination papers and grades that have not been approved by the board or sent to the examinees.

Structural Pest Control Board (Macon Bonner, Registrar)

Meetings

Registrar Bonner advises that "All meetings of the Structural Pest Control Board are open with the exception of an executive session. When the board goes into executive session no one, including the executive secretary, other than the board members themselves is in attendance."

Records

In general all records of the board are open to the general public, including licensees, "with the exception of informal complaints and/or any correspondence, connected with the application for a license, concerning any criminal record of said applicant. All examination questions and insect specimen-mounts used in the examinations are confidential."

The reply does not, however, indicate the reaction of the board to the proposed legislation.

Division of Real Estate (Donald McClure, Assistant Commissioner)

Meetings

Neither the Real Estate Commissioner nor the State Real Estate Board has any objection that all its meetings be open and public and all persons be permitted to attend any meetings of the board. However, Mr. McClure accents the problem of giving notice of such public meetings when they are called on an emergency basis. However, he concludes notice might be difficult but not impossible.

Records

The minutes of the board meetings are available for inspection of a reasonable nature during regular office hours.

The text of the letter neither indicates a favorable nor unfavorable disposition towards the proposed legislation.

Department of Veterans Affairs (J. Marvin Russell, Director)

Meetings

"All meetings of the California Veterans Board have, as a matter of long practice, been open and public, and all persons are invited, either by direct invitation or through newspaper publicity, to attend. We, therefore, would have no comments on this phase of the matters under consideration by your Subcommittee on State Secrecy."

Records

"All records of the department are open to inspection by the public during regular office hours, except the individual files and account records of purchasers."

Individual files and account records are kept confidential, "it being purely a matter of policy." The department considers that it has a confidential relationship with its contract holders and that "personal information concerning their accounts with the department should be kept confidential."

These files are made available when subpenaed in connection with lawsuits, occasionally for inspection by public officials, and in some cases to other interested persons where the purchaser specifically authorizes it in writing.

Summarily, Mr. Russell states, "We have no suggestions as to a revision of this practice, and will continue the existing policy unless the law requires that all files be made available to the public."

Department of Fish and Game (Seth Gordon, Director)

Meetings

At the present time all meetings of the Fish and Game Commission are open to the public, according to the report of Mr. Gordon, Director.

Records

There seems to be, however, some inconsistency with respect to the availability of the records of this department for public inspection. Director Gordon states, "* * * all records of the commission are open for inspection by the public during regular office hours." However, he then cites Section 432.5 of the Fish and Game Code which governs the operations of party fishing boats, and states that, "Such records and the information contained therein shall be confidential and the records shall not be public records" Section 432.5 does not contain such a provision and it may be that this is a departmental regulation.

Mr. Gordon also cites Section 1096 5 of the Fish and Game Code which concerns commercial fishing operations. This section provides that certain records shall be confidential.

No comment is offered with respect to the desirability of the proposed legislation making all records open for public inspection.

Department of Agriculture (W. C. Jacobsen, Director)

Meetings

No comment.

Records

Director Jacobsen states that, "* * * we believe an exception should be made in case of records specifically established by legislation to be of a confidential character. It is our belief then that the second proposal should read somewhat as follows:

"All records of the board, except records which may be designated by statute to be of a confidential character, shall be open to inspection by the public during regular office hours."

California State Fair and Exposition (Dudley T. Fortin, Manager)

Meetings

The meetings of the board of directors of this agency have been open to the public at any and all times.

Records

The minutes of these meetings have always been available to the public.

Mr. Fortin reassures that these practices will continue.

Agricultural Prorate Advisory Commission (E. W Braun, Secretary)

Meetings

No comment.

Records

The suggestion is offered that an exception be made in the case of records specifically established by legislation to be of a confidential character.

State Teachers' Retirement System (Leo J. Reynolds, Executive Officer)

Meetings

No comment.

Records

Oppose making records open to public inspection Mr. Reynolds says, "We are of the opinion that this would not be advisable so far as records of the State Teachers' Retirement System are concerned, and if there are further subcommittee meetings to be held on this subject, please notify us so that we can be in attendance and express the reasons for our objections."

State Board of Pilot Commissioners (Sam E Mason, Secretary)

Meetings

Favor public meetings

Records

Favor making all records open to public inspection.

Mr. Mason, speaking for the commission, declares, "Please be advised that this board upon motion duly made, seconded and passed by unanimous expression, approves the two amendments as submitted."

Franchise Tax Board (John J. Campbell, Executive Officer)

Meetings

Mr. Campbell advises that "All meetings of the Franchise Tax Board are now open to the public and the press is usually in attendance. However, when the contents of an income tax return are being discussed or the business affairs of the taxpayer are being discussed, the board sits in executive session, which it is required to do under present law."

Records

"At the present time income tax returns and corporation tax returns are secret and the law prohibits the disclosure of their contents and provides penalties for such disclosure "

The law controlling the secrecy of income tax returns is found in Article 2, Chapter 21, Part 10, Sections 19282 to 19288, inclusive, of the Revenue and Taxation Code.

The law controlling the secrecy of returns filed under the Bank and Corporation Tax Law is found in Article 2, Chapter 24, Part 11, Sections 26451 to 26454, inclusive, of the Revenue and Taxation Code.

The practice of this board with regard to "other tax officials of this State" includes the exchange of information with the Board of

Equalization, Department of Employment and with the Controller's Office, Inheritance and Gift Tax Division.

In addition, pursuant to opinions of the Attorney General, County Assessors, the District Attorney, and the County Welfare Department are entitled to some information.

In the words of Mr. Campbell, "* * * it is the opinion of the board that the contents of income tax and corporation tax returns be not disclosed in the best public interest."

Department of Public Health (Malcolm H. Merrill, M.D., Director)

Meetings

All meetings have been open to the public at all times.

Records

Likewise, the records of the Board of Public Health, which consist chiefly of minutes of meetings, are and have always been available.

However, with regard to the records of the Department of Public Health, as distinguished from the Board of Public Health, Dr. Merrill states that "* * * there are certain records which are 'privileged' records, either by statutory provision or which have been determined to be in this category by the Attorney General, and thus they are not made freely available to inquirers These records are morbidity reports indicating cases of disease reported concerning specific individuals, which are considered as confidential in the same way as is a doctor's relationship with his patient When such information is desired for legal purposes, it is released only upon the usual court subpena. There is also certain personal data appearing on individual birth and death certificates which is restricted in its general availability under certain conditions. With these exceptions the files and materials in the control of the Department of Public Health are considered as 'public information'."

Dr. Merrill further states, "I do not believe it necessary to make any additions to the Health and Safety Code relative to this matter "

Department of Natural Resources (DeWitt Nelson, Director)

Meetings

The boards and commissions serving the various divisions in this department operate under the policy that their meetings are open to the public and all persons, and further that all problems are thoroughly discussed in public session. Meetings and agenda are publicized in advance with special notices being sent to persons known to be particularly interested in the subject matter on the agenda.

Records

The records of meetings are likewise considered to be public and open for inspection during regular office hours.

Director Nelson adds, "* * * I see no reason why they or this department should oppose the legislation under consideration * * *."

Department of Public Works (C. M. Gillis, Deputy Director)

The reply of Director Durkee on behalf of the Department of Public Works included a copy of a letter, dated July 27, 1954, sent by the department to the Special Senate Committee on Governmental

Administration. This letter is said to express fully the views of the department regarding the confidential nature of records of the department.

Meetings

All meetings of the Highway Commission are now open and public. With regard to meetings of the Department of Public Works there is no comment.

Records

All official records on file with the Highway Commission are open to inspection by the public during regular office hours.

The report of this department with regard to its own records is reflected in the letter previously cited. In reply to a query as to what records are kept confidential by law the following were noted:

A. Questionnaires and financial statements submitted by prospective bidders in order to qualify for bidding under the State Contract Act. (Government Code, Section 14312.)
B. Copies of accident reports made to the California Highway Patrol by peace officers, members of the Patrol, or employees of the Departments of Motor Vehicles or California Highway Patrol. (Vehicle Code, Section 488 5.)
C. Persons drilling water wells required to file reports on forms established by the Division of Water Resources. (Water Code, Section 7076.1.)

In reply to the query of what other records the department considered as not being open to public inspection, the following were enumerated:

A. Estimates of costs of projects proposed to be done under contract to be awarded to the lowest responsible bidder.
B. Estimating work sheets made in the course of preparation of estimates.
C. Names of contractors who have taken out proposal forms for State highway projects advertised for bids, prior to the time set for opening bids.
D. Real property appraisal reports.
E. Planning programs.
F. (1) Information from the Federal Government transmitted to the department with the understanding that it is to be kept confidential.
   (2) Title information submitted to the Division of Water Resources by persons attempting to establish claims to water rights or other property, with the request that it be kept confidential.
G. Employee personnel reports.
H. Preliminary memoranda or reports relating to water matters.
I. Communications between officers and employees and attorneys in the department.
J. Matters involved in prospective or pending litigation.

The department believes that all of the above mentioned (A to J) should be made confidential by statute.

Department of Finance (John M. Peirce, Director of Finance)

Meetings

Director Peirce declares that he is fully in accord with the policy that meetings of boards, commissions and similar bodies be open to the public. He suggests, however, that provision be made for exceptional situations, such as emergency meetings where time does not permit advance public notice.

Records

Records should be available for public inspection in the opinion of Director Peirce, except where "there are compelling reasons for classifying certain items as confidential."

Summarily, he states, "The amendments as written would be desirable, in my opinion, in respect to the vast majority of matters which come before the boards and commissions."

California Commission on Interstate Cooperation (Charles V. Dick, Executive Secretary)

Meetings

No comment.

Records

Mr Dick writes, "We believe, however, that the second proposal should be rewritten to exempt any records that might be classified as confidential by other statutes."

Department of Education (Roy E. Simpson, Director)

Meetings

Director Simpson declared, "My immediate reaction to your first item concerning the opening of the meetings of the board to the public and all persons is entirely too broad and should be qualified, especially insofar as the State Board of Education is concerned when we are dealing with matters of personnel."

Records

The proposal relative to making records open to public inspection is already in effect so far as the State Board of Education is concerned Mr. Simpson is not, in fact, aware of any restrictions.

Mr. Simpson states, "This is my first reaction to your letter. Our complete official report will be sent to you at an early date."

State Board of Equalization (Dixwell L. Pierce, Secretary)

Meetings

It has been the consistent practice of this board to consider policy matters of general application only at open and public meetings. Advance notice is given to tax-paying groups affected by the matters under consideration, in order that they may be informed of the meeting and attend if they so desire.

However, whenever it becomes necessary for the board to consider the business affairs of taxpayers in detail, the board feels that it is inappropriate for such meetings to be held open to the public.

Records

It is likewise the opinion of the board that all of its records should not be open to public inspection, in particular tax returns of taxpayers and the audits made with respect thereto.

The basis for the views expressed is that the information thus gained might be improperly put to the private advantage of the inquirer and to the detriment of the taxpayer.

Department of Social Welfare (George K. Wyman, Director)

"Generally speaking, we are in accord with the proposal that meetings and records be open to the public, but we have enough questions and possible exceptions to warrant a somewhat detailed reply to your letter of November 15, 1956," states Director Wyman.

Meetings

The first problem relates to what is meant by the term "meetings." Director Wyman says, "If by 'meeting' is meant a formally noticed gathering at which official action is taken, we can see no objection to the proposal. Other definitions of 'meeting' are possible, however, and we are not entirely certain what definition the committee has in mind."

Director Wyman further notes the different types of "meetings" which occur during the conduct of the functions of the Social Welfare Department, that is, casual meetings of the board at which board business is discussed but at which no business can be or is transacted; board members and other staff gather together approximately once monthly to discuss policy and procedure and again to discuss informally matters affecting the department; members of the director's staff hold frequent conferences with other staff members, with representatives of other state departments, with representatives of counties and with federal representatives. Since so many definitions of "meeting" are possible, the board believes that the proposed statute would need to include a definition of the word "meeting."

Records

The Welfare and Institutions Code, Section 118, requires that public assistance records and information pertaining to public assistance applicants and recipients be kept confidential.

Director Wyman states, "If the repeal of Section 118 is not involved, we suggest that the language of the proposed legislation affecting this department be made subject to the provisions of Section 118. If your proposal involves repeal of Section 118, however, we will need to give the committee more information concerning federal requirements as to confidentiality which constitute a condition for the continued receipt of federal funds for public assistance purposes."

Division of Corporations (W. H. Stephenson, Commissioner)

Meetings

Legislation not applicable. This is a one man board and consequently there are no "meetings of the board."

Records

"Under the Corporate Securities Law securities may not be sold without a permit from the Commissioner of Corporations. The application for such a permit requires information which if released for general information in some instances would be detrimental both to the company applicant and to the public. The Corporate Securities Law (Sec. 25314 Corporations Code) provides that all papers, docu-

ments, etc., filed with the commissioner are open to public inspection, except that the commissioner may in his discretion withhold from public inspection any information which the public welfare or the welfare of any company, broker or agent requires to be so withheld. We believe that such discretion, and the exercise thereof, is in the public interest," states Commissioner Stephenson.

California Unemployment Insurance Appeals Board (Michael B. Kunz, Chairman)

Meetings

Except as provided in Sections 2713 and 2714 of the Unemployment Insurance Code, the proposed amendments apparently would not effect any change in the procedures of the Appeals Board for all of its meetings are open to the public.

Section 2713 provides in effect that a claimant of disability benefits may request a closed hearing.

Records

All records of meetings are available for public inspection

Section 2714 provides in effect that all medical records of the department, except as necessary to proper administration, shall be confidential and shall not be published or open to the public.

California Disaster Office (Stanley Pierson, Director)

Meetings

No comment.

Records

Mr Pierson advises that from time to time his office receives material from the Federal Civil Defense Administration which is considered "Confidential," "Restricted," and "Top Secret." This information is sent to his office on the condition that the classification be respected.

Mr. Pierson says, "Might it not be well to add to the above amendment some phrase, such as 'except such records as may be received from a federal department bearing security classifications'?"

Department of Motor Vehicles (Paul Mason, Director)

Meetings

Director Mason says, "The Department of Motor Vehicles does not appear to be affected by these provisions since the department has no boards or commissions."

Records

No comment.

Recreation Commission (Sterling S. Winans, Director)

Meetings

All meetings of the Recreation Commission are announced to the press and are open to the public, advises Mr. Winans.

Records

Records of the Recreation Commission are open for inspection by the public during regular office hours.

State Banking Department (William A. Burkett, Superintendent)

Meetings

Superintendent Burkett replies, "* * * I heartily endorse the first proposal that all meetings and hearings of the State Banking Department be open and public and that all persons be permitted to attend."

Records

He adds, "Your proposal that all records of the state boards and departments be open to inspection by the public during regular office hours is to be commended but of practical questionability when applied to the State Banking Department. This department is a supervisory and examining agency, the records of which include copies of personal transactions of banking institutions with their customers. The records of such personal dealings must of necessity be made available to this department for regulatory purposes, but it is questionable whether copies of such personal transactions should be made available and open to inspection by the public generally."

Financial Code, Section 254, providing that records of the department are not open to public inspection is cited by Mr Burkett. He also furnishes citations to the Financial Code, Sections 256, 257, 258, and 1909 which relate to information which must be published or furnished by the superintendent.

Superintendent Burkett also includes a letter to Senator George Miller, Jr., Chairman, Senate Special Committee on Government Affairs, dated November 15, 1956, signed by Mr. Burkett, which reflects in more detail the views outlined above.

Department of Professional and Vocational Standards (H. Jack Hanna, Director)

Mr. Hanna declares, "It is my feeling that to effectively accomplish the intent of this bill, and at the same time preserve the efficient, economical and proper function of the various agencies involved, would require submission to and approval by the Legislature of a specialized series of exemptions from each and all agencies concerned."

Board of Medical Examiners (Wallace W. Thompson, Executive Secretary)

Meetings

Mr. Thompson, speaking for the board states, "The board therefore believes that matters relating to examination, both the preparation and subsequent procedures, should not be a matter considered at a public meeting of the board but should properly be considered in executive session. In addition, the board believes that matters relating to the considering of decisions relating to accusations, statement of issues, modification or termination of probation, restoration of revoked certificates and the assessing of a penalty, if any, in relation to the accusations and statement of issues should properly be considered in executive sessions. Further, it is the feeling of the board that matters relating to the instituting of proceedings to discipline a licensee, or causing of proceedings to be instituted in civil or criminal courts respecting violations of the law administered by

the agency, matters relating to the internal management of the agency and matters discussed with the legal counsel of the agency should also be included in matters to be considered in executive session."

Records

With reference to the proposal that all records of the board shall be open to inspection by the public during regular office hours, Mr. Thompson states, "* * * we believe this is too all-inclusive and that information concerning complaints and investigations should not be public records and open to inspection." The board also objects to public inspection of personal records of employees of the board, examination questions prior to the giving of the examination and subsequent thereto also if the questions are to be used again, and examination tablets of the applicants after the examination has been completed. Mr. Thompson suggested that there may be additional exceptions that should be included.

Board of Cosmetology (Rae Goodwin, Executive Secretary)

Meetings

Secretary Goodwin writes, "* * * please be advised that this board is not in favor of having its meetings open to the public and permitting all persons to attend. Our disapproval is not based on the possibility of the board having matters of secrecy to discuss, but we are working toward efficiency and expediency in serving the public."

Records

"We wish to advise," says Mr. Goodwin, "that the only records we feel should be open to the public at all reasonable hours are the following

1. Names and addresses of all licensees, date license was issued and license number.
2. Financial reports.
3. Budget.
4. Statistical information relating to examinations, such as the number of persons examined, and the number of persons who failed and passed.
5. Board rules and regulations.
6. Cosmetology Act.
7. Results of administrative proceedings.
8. An applicant's examination papers may be reviewed by *him* within 30 days providing he makes a written request for permission to do so."

Board of Vocational Nurse Examiners (Barbara N. Chesler, R.N., Executive Secretary)

Meetings

This board adopted a resolution on May 1, 1953, to the effect that all meetings of the board would be open to the public, except at such times when the board deals with questionable applications and with applications of schools for accreditation, continuance or reinstatement of accreditation. It was there and then agreed that "* * * the presence of spectators during these discussions might result in unnecessary embarrassment to the applicants and that it would be of

no benefit to the general public welfare for these matters to be of widespread public knowledge."

Records

Certain objections to the proposal relating to public records were voiced by the correspondent. Miss Chesler states with regard to examinations that the licensing examination used by the board is a national test pool examination used under contract, and its publication is restricted to the board, its employees and the examinees. "To continue to use the national test pool examinations, the board must necessarily continue to abide by this contract. All other considerations aside, it would, of course, destroy the value of any examination if its contents were available to the public."

The board does not feel that records of complaints and investigations in process and pertinent documents should be open for public inspection.

Miss Chesler concludes, "Generally speaking, licenses of a public agency are members of the general public and, as such, should have the same rights of privacy as those who are not licensed have a right to expect."

Board of Optometry (J. R. Patterson, Executive Secretary)

"The members of the Board of Optometry agree in principle with the premise that government should not be secret and they do not seek to hide the activities of the board behind a cloak of secrecy. However, they do feel that amendments as broad as those which are being considered would seriously inhibit administration of the functions of the Board of Optometry in accordance with the public interest," stated Mr. Patterson.

Meetings

"Some meetings of the board are held for purposes that could not be accomplished if these meetings were open to the public. As one example, it would be infeasible to hold a meeting open to all members of the public at which an examination of applicants for licensure were given," he adds.

Records

Mr. Patterson continues, "The official records of the board are regarded as public and inspection of them is never refused However, there are within the files of the board items which are treated as confidential. They include reports of investigations preliminary to official actions and of allegations which are found to be without foundation, and information which would, if disclosed, constitute an invasion of privacy of individuals."

Board of Architectural Examiners (Richard A. Patrick, Executive Secretary)

Meetings

Secretary Patrick advises, "It is the consensus of this board that the practice of open and public meetings is proper and should be adhered to by every governmental unit; there are, however, exceptions which must be recognized." These include meetings to discuss examinations and meetings which concern themselves with the investigative activities of the board.

Records

"Again it is the feeling of the members of this board that all reasonable material should be made available for public review. That material which would not be considered reasonable and therefore should be considered confidential would be:

Examination material
Investigative evidence and records
Confidential letters of reference
Personal files of licentiates and applicants."

Cemetery Board (Bernard E. Bergerson, Executive Secretary)

Meetings

Since its inception in 1950 all meetings of the Cemetery Board have been public meetings and any persons desiring to be notified and any persons desiring to attend have been so accommodated.

Section 9654 of the Business and Professions Code authorizes the board to administer and examine under oath any person or persons in charge of endowment care funds. It likewise provides that such examination shall be private.

Records

All records of the office are open to inspection to the public.

However, Section 9650.3 of the Business and Professions Code provides that endowment care fund records are not open to public inspection. The board is in favor of this restriction since it contains information that may be misused by certain groups of people, such as loan and investment brokers, salesmen, etc It is suggested that this restriction be retained when considering the proposal making all records open to public inspection.

Board of Examiners in Veterinary Medicine (G K. Cooke, D.V.M., Secretary)

Meetings

Dr Cooke states, "Our board has previously gone on record as opposing this policy. We feel that many of the actions of the board are of such a nature that no good cause would be served by giving them undue publicity. We feel that the admission of the general public to all meetings would submit the board to heckling, interfering with the ordinary procedure of its business and possibly resulting in the dissemination of reports inimical to the best interest of the board and the public which it serves, and which might not be substantiated in fact."

Records

No comment.

Dr. Cooke advised that this matter would be taken up at the next board meeting on January 24th and further comments would be forwarded. At the date of this writing no further correspondence has been received.

Board of Osteopathic Examiners (Glen D. Cayler, D.O., Secretary)

Meetings

Presently all meetings of the board are open to the public with two exceptions, i.e., where the board is considering personnel matters

and where the board is considering disciplinary action. In instances where the board is considering a disciplinary action after a hearing had under the provisions of the Administrative Procedure Act, the meeting is closed to all but the board members and the hearing officer. This is done in accordance with the requirements of California administrative law.

Records

All records of the board are considered public documents without extending to any party the privilege of going through the files in search of the desired information. The board relying on statutes and judicial decisions (not cited), does withhold from the public those documents and records which the law considers confidential.

The board also feels that investigation records must be kept confidential for the proper operation of the agency.

California State Board of Pharmacy (Floyd N. Heffron, Executive Secretary)

Meetings

Mr. Heffron states in his reply of November 20, 1956, that, "It has always been considered that meetings of this board are open meetings at any time. * * * In the above, I am assuming that changes being considered will not prevent the board's consideration of penalties, etc., in executive session when the results therefrom are made a part of the record."

Records

The reply of November 20, 1956, further notes that records of the board have been considered public records However, in a subsequent letter dated December 3, 1956, Mr. Heffron adds, "It is felt that consideration should be given to a clearer and more specific definition of what the committee considers as public records. In my previous letter I assumed that this term would only be used in reference to documents bearing on licensure, educational requirements, and inspectional data I would not take into consideration the possibility that your definition of a public record may be meant to include investigational information and reports of a confidential nature, which, naturally, would have to be maintained as confidential information, pending the filing of a criminal complaint and administrative procedure action. I feel that, as a definition of what is actually considered a public record, as far as the study of your committee is concerned it should exclude those things which are considered necessary to the proper conduct of investigations by state agencies."

Board of Chiropractic Examiners (Emmett V. Wilent, D C)

Meetings

Dr. Wilent's reply states in part, "The California Chiropractic Initiative Act passed by the vote of the people on November 7, 1922, specifically states that the minutes of the State Board of Chiropractic Examiners shall at times during business hours be open to the public for inspection The act itself provides for public inspection of the board's meetings in the form of minutes, therefore, the public should not be permtited to attend any meetings of the board."

Records

He further states, "we have a Rand file card system which we consider public information. Rand cards are made for each licentiate which gives his full name, place of birth, date of birth, graduate school, date of graduation and current mailing address, license number and date of licensure. This information is given to the public at all times upon request."

"Other than the Rand file and the minutes, we do not have any records in our office which we believe should be open to the public."

Board of Guide Dogs for the Blind (Andrew Marrin, Executive Secretary)

Meetings

Mr. Marrin advises that it is the customary practice of the board to hold all meetings open to the public. He does note, however, that there are certain matters which come before the board in which there is some doubt as to the advisability of discussing them in the "open." These matters concern unsubstantiated charges against a particular guide dog school or individuals connected therewith. Mr. Marrin requests that some provision be made for confidential discussions of matters involving possible moral issues or character problems, particularly when all of the facts are not available.

Records

The board has never had a request for inspection of its records so an opinion regarding this phase of the proposed legislation is not available until the board meets again and considers the matter.

California Horse Racing Board (Claire Douglass, Secretary)

Meetings

No comment.

Records

Miss Douglass writes, "As you know the California Horse Racing Board has in its files records from the Federal Bureau of Investigation, State Department of Justice—Division of Criminal Identification and Investigation, Thoroughbred Racing Protective Bureau, as well as records from police and sheriff's departments. As you know these confidential reports are considered records of the organizations and departments listed and are only considered a loan to this state agency."

The board has advised Miss Douglass to convey its belief that the records enumerated above should not be considered to be the records of the Horse Racing Board. The board believes that if such records were made public it would not be able to procure such information from these sources in connection with the investigation of an applicant for a license.

Department of Corrections (Richard A. McGee, Director)

Meetings

Referring specifically to parole and term-fixing hearings, Director McGee feels that no useful purpose would be served from the standpoint of the board or of the inmate if these hearings were open to the public. It would lead to attempts to re-try cases and emotional

situations involving families of inmates, both of which would impede the functions of the board. The meetings are now open to the press and it is believed that this safeguard prevents the possibility of secret action and star chamber proceedings.

Records

Much of the material in the records of the California Adult Authority and the Board of Trustees of the California Institution for Women has been ruled to be confidential. However, public inspection of those parts not ruled to be confidential is permitted. "To violate the confidentiality of certain of these records would seriously hamper the effectiveness of the work of these boards and the institutions which provide this information to them," says Director McGee.

Adult Authority (E. W. Lester, Chairman)

Meetings

Chairman Lester writes, "It is pointed out that in March, 1953, the State Board of Corrections unanimously took the position that while the board is definitely opposed to 'star chamber' sessions, nevertheless it is of the opinion that term-fixing and parole hearings definitely should be exempted from the provisions of any bill relating to 'state secrecy' and that such bill should so state in order to eliminate any possible misconception of its requirements."

Meetings are not secret in the sense that visitors are not allowed. Chairman Lester advises that the Adult Authority for years has invited persons representing practically every public and private agency in the State In 1956 representatives of newspapers were invited to attend and the response was very satisfactory.

Chairman Lester adds, "It has always been the policy of the paroling agency of this State not to permit anyone, either for or against an inmate, to appear at a hearing; which policy, we believe, is not only sound but necessary. It is emphasized that it would not be in the public's interest to retry an inmate's case before the Adult Authority since the inmate has had his day in court and our hearings cannot, under any circumstances, be considered as a second 'court trial.'" However, he points out information relative to a particular case is released when it is in writing.

Records

Official minutes on file in the Sacramento office of this agency list all Adult Authority actions and are a public record.

Youth Authority (Heman G. Stark, Director)

"Our department, the California Youth Authority," states Director Stark, "is in agreement basically with what your subcommittee is attempting to do. However, we feel that in our agency we have a peculiar situation that does not occur in any other state department."

Meetings

The board feels that meetings of the Youth Authority wherein the cases of juvenile delinquents are being considered must be closed meetings and not open to the public. In considering some of these cases the board considers not only the offense of the ward but also the family background. The board does not feel that the latter should be open for public "scrutiny." In addition, the board is of the

opinion that open meetings would bring many curiosity seekers and their presence could have a direct relationship to whether or not rehabilitation could be effected.

Records

Many of the youth who are committed to the Youth Authority are from the juvenile courts. The Welfare and Institutions Code provides for confidentiality of some attendant records unless release is authorized by the juvenile courts

The board also relies on an opinion of the Attorney General to the effect that the records of the Youth Authority are confidential, not only to the public but also to the person who is under commitment. As stated summarily by Director Stark, "We also feel that because of the Attorney General's opinion, the records of the Youth Authority Board relating to our cases are confidential."

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